

SF " Board of Supervisors.

THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO 1994

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SUPERVISORS KAUFMAN, LEAL, MIGDEN, KENNEDY, HSIEH, SHELLEY, ALIOTO, MAHER

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PREAMBLE

In order to obtain the full benefit of home rule granted by the Constitution of the State of California; to improve the quality of urban life; to encourage the participation of all persons and all sectors in the affairs of the City and County; to enable municipal government to meet the needs of the people effectively and efficiently; to provide for accountability and ethics in public service; to foster social harmony and cohesion; and to assure equality of opportunity of every resident;

We, the people of the City and County of San Francisco, ordain and establish this Charter as the fundamental law of the City and County.

ARTICLE I: EXISTENCE AND POWERS OF THE CITY AND COUNTY

1.100 Name and Boundaries

The City and County of San Francisco shall continue as a consolidated city and county with such boundaries as are prescribed by law, pursuant to this Charter and the laws of the State of California.

1.101 Rights and Powers

The City and County of San Francisco may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter. The City and County may make and enforce within its limits all local police, sanitary and other ordinances and regulations. The City and County may appear, sue and defend in all courts in all matters and proceedings.

All rights and powers of a City and County which are not specified in this Charter may be exercised by the Board of Supervisors.

ARTICLE II: LEGISLATIVE BRANCH

2.100 Composition and Salary

The Board of Supervisors shall consist of eleven members elected at large. Members of the Board shall be paid the salary in effect on the date this Charter is adopted and, thereafter, any change in salary shall be fixed by the Civil Service Commission on or

before May 1 of each year, not to exceed the salary paid a Supervisor in Alameda, Contra Costa, San Mateo or Santa Clara counties. The salary rates cannot go into effect until voters have been given the opportunity to reject the measure.

2.101 Term of Office

Each member of the Board of Supervisors shall be elected at a general election and shall serve a four-year term commencing on the eighth day in January following election and until a successor qualifies. The respective terms of office of the members of the Board of Supervisors in effect on the date this Charter is adopted shall continue.

No person elected or appointed as a Supervisor may serve as such for more than two successive four-year terms. Any person appointed to the Office of Supervisor to complete in excess of two years of a four year term shall be deemed, for the purpose of this section, to have served one full term expiration of that term. No person having served two successive four-year terms may serve as a Supervisor, either by election or appointment, until at least four years after the expiration of the second successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term.

2.102 Vacancies

If a vacancy shall exist on the Board of Supervisors because of the death, resignation, permanent disability or the inability of a member to otherwise carry out the responsibilities of the office, the Mayor shall appoint a qualified successor. Should more than twenty-nine months remain in the unexpired term, such appointee shall serve until the next general municipal or statewide election, at which time an election shall be held to fill the unexpired term.

2.103 Meetings

The Board of Supervisors shall meet at the Legislative Chamber in City Hall at 12:00 noon on the eighth day in January in each odd-numbered year. Thereafter, regular meetings shall be held on such dates and at such times as shall be fixed by ordinance. Special meetings shall be called in the manner established by the Board of Supervisors. With proper public notice, as prescribed by ordinance, the Board of Supervisors or Board committees may hold meetings in locations other than City Hall.

2.104 Quorum

1 The presence of a majority of the members of the Board of Supervisors at a regular
2 or special meeting shall constitute a quorum for the transaction of business. In the
3 absence of a quorum, a smaller number of members may compel the attendance of
4 absent members in the manner and under the penalties established by the Board of
5 Supervisors.

6
7 The Board of Supervisors shall act by a majority, two-thirds, three-fourths, or other
8 vote of all members of the Board. Each member present at a regular or special meeting
9 shall vote yes or no when a question is put, unless excused from voting by a motion
10 adopted by a majority of the members present.

11 12 **2.105 Calendar of Agenda Items**

13 A written agenda clearly and concisely describing each item of business to be
14 considered at a regular or special meeting of the Board of Supervisors or any of its
15 committees shall be made available to the public prior to the commencement of such
16 meeting. In the case of the Board of Supervisors, such agenda, together with a
17 statement of the time and place at which copies of proposed ordinances and resolutions
18 may be obtained, shall be published at least one business day before each regular
19 meeting and each special meeting of the Board of Supervisors.

20 21 22 **2.106 Ordinances and Resolutions**

23 The Board of Supervisors shall meet and transact its business according to rules
24 which it shall adopt.

25
26 The Board of Supervisors shall act only by written ordinance or resolution, except
27 that it may act by motion on matters over which the Board of Supervisors has exclusive
28 jurisdiction. An ordinance or resolution may be introduced before the Board of
29 Supervisors by a member of the Board, a committee of the Board or the Mayor, and
30 shall be referred to and reported upon by an appropriate committee of the Board. An
31 ordinance or resolution may be prepared in committee and reported out to the full
32 Board for action, consistent with the public notice laws of the City. Except as otherwise
33 provided in this Charter, passage of an ordinance or a resolution shall require the
34 affirmative vote of a majority of the members of the Board.

35
36 An ordinance shall deal with only one subject matter, except that appropriations
37 ordinances may cover appropriations with respect to any number of subjects. The title
38 of each ordinance shall clearly reflect the content of the ordinance.

39 Except as otherwise provided in Sections 2.108, passage of an ordinance shall
40 require two readings at separate meetings of the Board of Supervisors, which shall be
41 held at least five days apart. If an ordinance is amended at its second reading, the
42

ordinance shall require a further reading prior to final passage. Resolutions shall require only one reading and may be adopted upon introduction without reference to committee by unanimous affirmative vote of the members of the Board of Supervisors who are present, but in no event less than a quorum.

All ordinances, other than emergency ordinances, shall take effect on the specified date, but not earlier than thirty days following the date of passage. Resolutions may take effect immediately upon passage, or at such other time as shall be specified in the resolutions. No ordinance granting a franchise may be passed within ninety days of its introduction.

2.107 Veto Override

The Board of Supervisors may enact an ordinance which has been vetoed by the Mayor pursuant to Section 3.103 if, within thirty days after such veto, not less than two-thirds of the Board of Supervisors shall vote in favor of such ordinance, except as provided in Section 9.104.

2.108 Emergency Ordinances

An emergency ordinance may be passed in cases of public emergency affecting life, health or property. Emergency ordinances shall require only one reading, and the affirmative vote of two-thirds of the Board of Supervisors shall be required for the passage of an emergency ordinance.

The form and manner of introduction of an emergency ordinance shall be as required for ordinances generally. In addition, an emergency ordinance shall contain:

1. A declaration setting forth the existence of the emergency;
2. A clear and concise description thereof; and
3. An explanation of how the measures in the ordinance will address the emergency.

An emergency ordinance shall be effective upon passage and shall automatically terminate on the sixty-first day following passage. An emergency ordinance may be reenacted upon the same terms and conditions applicable to its initial enactment. Any appropriation contained in an emergency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

1 An emergency ordinance may suspend specific sections of this Charter, but may not
2 levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public
3 utility for its services, set salaries, issue bonds, or buy, sell or lease land.
4

5 **2.109 Public's Right to Know**

6
7 The Board of Supervisors shall adopt and maintain a Sunshine Ordinance to
8 liberally provide for the public's access to their government meetings, documents and
9 records.

10
11 The Clerk of the Board of Supervisors shall keep a permanent public record of the
12 proceedings of the Board showing all action considered and taken, the text of
13 ordinances and resolutions voted upon and the vote of each member of the Board
14 regarding any matter before the Board. The Clerk of the Board shall cause the text of all
15 ordinances or resolutions passed by the Board to be readily available to the public.

16 17 **2.110 Rates, Fees and Similar Charges**

18
19 The Board of Supervisors may review and reject any rate, fee or similar charge
20 established by the Mayor and any department, official, board or commission pursuant
21 to Section 4.102(3) of this Charter, except those established by the Port or Airport
22 Commissions, or under the Refuse Collection and Disposal Ordinance of November 8,
23 1932, as amended. The Board of Supervisors shall determine by ordinance the rates,
24 fees and similar charges subject to its review.
25

26 No rate, fee or similar charge determined by the Board of Supervisors to be subject
27 to its review shall take effect for thirty days following adoption by the department,
28 board, commission or official having responsibility for such rate, fee or similar charge.
29 Unless rejected by the Board of Supervisors within thirty days following its adoption,
30 such rate, fee or similar charge shall be deemed approved; provided, however, that it
31 shall require a two-thirds vote of the Board of Supervisors to reject any schedule of
32 rates, fees or charges adopted by the Airport Commission.
33

34 **2.111 Sale or Lease of Real Property**

35
36 Any lease of real property for a period of ten or more years under which the City
37 and County is a lessor, and any sale of real property owned by the City and County,
38 shall be approved by resolution of the Board of Supervisors, prior to such lease or sale.
39 Leases of property under the jurisdiction of the Port Commission for maritime use shall
40 be exempt from the requirements of this section.

1
2 **2.112 Abandonment of Transit Routes**

3
4 Any abandonment of a transit route by any department of the City and County
5 shall be reviewed for approval or rejection by the Board of Supervisors in a manner
6 prescribed by ordinance.
7

8 **2.113 Fidelity Bonds**

9
10 The Board of Supervisors shall determine which officials of the City and County
11 shall be required to post fidelity bonds and the respective amounts of any such bonds.
12 An annual review of bonding requirements shall be conducted by the Board of
13 Supervisors.
14

15 **2.114 Declaration of Policy**

16
17 Four or more members of the Board of Supervisors may submit a declaration of
18 policy to the voters. Upon approval by the voters, the Board of Supervisors shall within
19 ninety days of such approval take such actions within their powers as shall be necessary
20 to carry such declarations of policy into effect.
21

22 A special municipal election shall not be called with respect to a declaration of
23 policy.
24

25 **2.115 Legislative Referendum**

26
27 Four or more members of the Board of Supervisors may submit to the voters any
28 matter on which the Board of Supervisors is empowered to pass.
29

30 **2.116 Non-Interference in Administration**

31
32 Neither the Board of Supervisors, its committees, nor any of its members, shall
33 have any power or authority, nor shall they dictate, suggest or interfere with respect to
34 any appointment, promotion, compensation, disciplinary action, contract or requisition
35 for purchase or related action of department heads or other appointed or elected
36 officials. Contacts shall be limited to elected officials, boards, commissions, chief
37 executive officers of boards and commissions, department heads or their designees.
38 Violation of this prohibition shall constitute official misconduct.

1
2 **2.117 Financial Audit**

3
4 The Board of Supervisors shall select a firm or firms of independent accountants to
5 audit and report upon the annual financial statements of the City and County.
6

7 **2.118 President of the Board of Supervisors**

8
9 At its regular meeting on the eighth day of June in odd-numbered years, the
10 position of President of the Board of Supervisors shall be assumed by the member who
11 received the highest number of votes at the last preceding Supervisorial election. If a
12 vacancy in the Office of President of the Board of Supervisors shall occur prior to the
13 end of the term, the Board of Supervisors shall elect one of its members to fill the
14 unexpired portion of the term. The President shall preside at all meetings, appoint all
15 standing and special committees, assign legislation to committees, and have such other
16 powers and duties as may be assigned by the Board of Supervisors.
17

18 **2.119 Staff to the Board of Supervisors**

19
20 The Board of Supervisors shall have the power to appoint staff adequate to enable
21 the Board, its committees and members to perform their duties and carry out their
22 responsibilities under this Charter.
23

24 The Board of Supervisors shall appoint and may remove a Clerk of the Board who
25 shall have charge of the office and records of the Board and its committees and its
26 classified staff. The Clerk shall keep a public record of the proceedings of the Board as
27 provided by Section 2.109 of this Charter and shall keep properly indexed files of all
28 ordinances and resolutions. The Clerk shall be responsible for the publication, as
29 required by law, of ordinances, resolutions and other matters acted on by the Board for
30 which publication is specified. The Clerk shall have such other duties and
31 responsibilities as the Board of Supervisors may prescribe.
32

33 **2.120 Compensation**

34
35 Within a balanced budget, the Board of Supervisors shall establish the salaries of all
36 elected officials of the City and County, except the Board of Supervisors, Board of
37 Education or Community College Board, after reviewing salary surveys provided by
38 the Human Resources Department. The salary of each such elected official shall be
39 consistent with the responsibilities of the office.
40

1 The Board of Supervisors shall establish the compensation of members of boards,
2 commissions and other units of government of the executive branch of the City and
3 County. All such members shall receive equal compensation per meeting for their
4 services.
5

6 **ARTICLE III: EXECUTIVE BRANCH—OFFICE OF MAYOR**

7

8 **3.100 Powers and Responsibilities**

9

10 The Mayor shall be the chief executive officer and the official representative of the
11 City and County, and shall serve full time in that capacity. The Mayor shall enforce all
12 laws relating to the City and County.
13

14 *The Mayor shall have responsibility for:*
15

16 1. Coordination of administration of all departments and governmental units in the
17 executive branch of the City and County;
18

19 2. Coordination of all intergovernmental activities of the City and County; and
20 upon confirmation by the Board of Supervisors, appointment of representatives of the
21 City and County to intergovernmental bodies;
22

23 3. Receipt and examination of complaints relating to the administration of the
24 affairs of the City and County, and immediate delivery of notice to the complainant of
25 findings and actions taken;
26

27 4. Assurance that appointees to various governmental positions with the City and
28 County are qualified and are as representative of the communities of interest and
29 diverse population of the City and County as is reasonably practicable, and are
30 representative of both sexes;
31

32 5. Submission of ordinances and resolutions by the executive branch for
33 consideration by the Board of Supervisors;
34

35 6. Presentation before the Board of Supervisors of a policies and priorities statement
36 setting forth the Mayor's policies and budget priorities for the City and County for the
37 ensuing fiscal year;
38

39 7. Introduction before the Board of Supervisors of the annual proposed budget or
40 multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall
41 seek comments and recommendations on the proposed budget from the various
42 commissions as the Mayor deems necessary; and
43

1 8. Preparation of and introduction to the Board of Supervisors of supplemental
2 appropriations.

3
4 *The Mayor shall have the power to:*

5
6 9. Speak and be heard with respect to any matter at any meeting of the Board of
7 Supervisors or any of its committees;

8
9 10. As provided in Section 3.103 of this Charter, veto any ordinance or resolution
10 passed by the Board of Supervisors;

11
12 11. Appoint such staff as may be needed to perform the duties and carry out the
13 responsibilities of the Mayor's office, provided that no member of the staff shall receive
14 a salary in excess of seventy percent of that paid the Mayor. For purposes of this
15 provision, staff does not include the City Administrator, department heads or
16 employees of departments placed under his or her direction by Section 3.104.

17
18 12. Designate a member of the Board of Supervisors to act as Mayor in the Mayor's
19 absence;

20
21 13. In the event of a public emergency affecting life, health or property, marshal all
22 the forces of the City and County for the maintenance of life, health or property, or do
23 whatever else he or she may deem necessary for the purpose of meeting the emergency;
24 provided, however, that no action taken under this provision shall: (a) remain in effect
25 for more than five days unless authorized as an emergency ordinance in accordance
26 with Section 2.108 of this Charter or (b) be among those prohibited in Section 2.109;

27
28 14. Make an appointment to fill any vacancy in an elective office of the City and
29 County until a successor shall have been elected;

30
31 15. Submit to the voters a declaration of policy or referendum on any matter on
32 which the Board of Supervisors is empowered to pass;

33
34 16. Have and exercise such other powers as are provided by this Charter or by law
35 for the chief executive officer of a City and County;

36
37 17. Unless otherwise specifically provided, make appointments to boards and
38 commissions which shall be effective immediately and, unless rejected by the Board of
39 Supervisors within thirty days following transmittal of Notice of Appointment, such
40 appointment shall become permanent for the prescribed term; and

41
42 18. Appoint and remove department heads subject to the provisions of this Charter.
43

1 **3.101 Term of Office**

2
3 The Mayor shall serve a four-year term. No person shall serve as mayor for more
4 than two successive terms. A part of a term that exceeds two years shall count as a full
5 term. There shall be no limit on the non-successive terms that a person may serve.
6

7 **3.102 Vacancies**

8
9 If the Mayor should be temporarily disabled, the President of the Board of
10 Supervisors shall act as Mayor until such time as the Mayor shall return to office.
11

12 If the Office of Mayor should become vacant because of death, resignation,
13 permanent disability or the inability to carry out the responsibilities of the office, an
14 election to fill the balance of the Mayor's unexpired term shall be held at the next
15 general municipal or statewide election occurring at least six months after the date of
16 the vacancy. Upon the occurrence of such a vacancy in the Office of the Mayor, the
17 President of the Board of Supervisors shall become Mayor and cease to be a member of
18 the Board of Supervisors.
19

20 **3.103 Veto Power**

21
22 Any ordinance or resolution passed by the Board of Supervisors shall be promptly
23 delivered to the Mayor for consideration. If the Mayor approves the ordinance or
24 resolution, the Mayor shall sign it and it shall become effective as provided in Section
25 2.106 of this Charter. If the Mayor disapproves the ordinance or resolution, the Mayor
26 shall promptly return it to the Board of Supervisors without the Mayor's signature,
27 accompanied by a statement indicating the reasons for disapproval and any
28 recommendations which the Mayor may have. Any ordinance or resolution so
29 disapproved by the Mayor shall become effective only if, subsequent to its return, it
30 shall be passed by a vote of the Board of Supervisors required by Section 2.107 of this
31 Charter. Any ordinance or resolution shall become effective, with or without the
32 Mayor's signature, unless it is disapproved by the Mayor and returned to the Board of
33 Supervisors not more than ten days after the date the ordinance or resolution was
34 delivered to the Mayor's Office for consideration.
35

36 **3.104 City Administrator**

37
38 The Mayor shall appoint a City Administrator, subject to confirmation by the Board
39 of Supervisors. The appointee shall have at least ten years governmental management
40 or finance experience with at least five years at the city, county, or city and county level.
41 The term of office of the City Administrator shall be for five years, and may be removed
42 by the Mayor. The City Administrator may be reappointed by the Mayor.

1
2 *The City Administrator shall have responsibility for:*

3
4 1. Administrative services within the executive branch, as assigned by the Mayor
5 or by ordinance;

6 2. Administering policies and procedures regarding bonds, procurement,
7 contracts and building and occupancy permits, and for assuring that all contracts and
8 permits are issued in a fair and impartial manner and that any inspections involved
9 with the issuance of permits shall be carried out in a like manner;

10 3. Coordinating budget preparations and program evaluations for all departments
11 for consideration and action by the Mayor;

12
13 4. Coordinating capital improvement projects except for Airport, Port, Public
14 Utilities and Transportation Commissions, unless a project of such commission involves
15 other City departments;

16
17 5. Preparing and recommending for consideration by the Mayor and Board of
18 Supervisors bond measures; and

19
20 6. Administering and allocating the Publicity and Advertising Fund.

21
22 *The City Administrator shall have power to:*

23
24 7. With the concurrence of the Mayor, appoint and remove the directors of the
25 Departments of Administrative Services and Public Works, the County Clerk and such
26 other department heads which are placed under his or her direction;

27
28 8. Propose rules governing procurement and contracts to the Board of Supervisors
29 for consideration; and

30
31 9. Award contracts without interference from the Mayor or Board of Supervisors.

32
33 In those instances where contract awards are not subject to Board of Supervisors'
34 review, the City Administrator shall award contracts in full compliance with applicable
35 laws and this Charter. The City Administrator's decision in such cases shall be final.

36
37
38 **3.105 Controller**

39
40 The Mayor shall appoint a Controller for a ten-year term, subject to confirmation by
41 the Board of Supervisors. The Controller may only be removed by the Mayor for cause,
42 with the concurrence of the Board of Supervisors by a two-thirds vote. The Controller
43 may be reappointed by the Mayor.

1 The Controller shall be responsible for the timely accounting, disbursement or other
2 disposition of monies of the City and County in accordance with sound financial
3 practices applicable to municipalities and counties. The Controller shall have the
4 powers and duties of a county auditor, except as otherwise provided in this Charter.
5 The Controller shall have authority to audit the accounts and operations of all boards,
6 commissions, officers and departments to evaluate their effectiveness and efficiency.
7 The Controller shall have access to, and authority to, examine all documents, records,
8 books and other property of any board, commission, officer or department.
9

10 Should the Controller determine at any time during the fiscal year that the revenues
11 of the General Fund, or any special, sequestered or other fund are insufficient or appear
12 to be insufficient to support the remaining anticipated expenditure from that fund for
13 the fiscal year for any department, function or program, the Controller shall reduce or
14 reserve all or a portion of the expenditure appropriation until such time as the
15 Controller determines that the anticipated revenues for the remainder of that fiscal year
16 are sufficient to support the level of expenditure anticipated for the remainder of the
17 fiscal year. Whenever the Controller makes a reduction or reservation, the Controller
18 shall so inform the Mayor and Board of Supervisors within twenty-four hours.
19

20 The Controller shall exercise general supervision over the accounts of all officers,
21 commissions, boards and employees of the City and County charged in any manner
22 with the receipt, collection or disbursement of City and County funds or other funds, in
23 their capacity as City and County officials or employees. The Controller shall establish
24 accounting records, procedures and internal controls with respect to all financial
25 transactions of the City and County. Such records, procedures and controls shall permit
26 the financial statements of the City and County to be prepared in conformity with
27 generally accepted accounting principles applicable to municipalities and counties.
28

29 The Controller shall within one hundred-twenty days of the end of each fiscal year
30 prepare an annual report of the financial condition of the City and County. Such annual
31 report shall be prepared in accordance with generally accepted accounting principles.
32 The annual report shall contain such information and disclosures as shall be necessary
33 to present to the public a full and understandable report of all City and County financial
34 activity.
35

36 The Controller shall prepare an impartial financial analysis of each City and County
37 ballot measure which shall include the amount of any increase or decrease in the cost of
38 government of the City and County and its effect upon the tax rate. Such analysis shall
39 be issued in sufficient time to permit inclusion in the voters' pamphlet.
40

41 The Controller shall issue from time to time such periodic or special financial
42 reports as may be requested by the Mayor or Board of Supervisors.
43

44 No officer or employee shall enter into any contract or other obligation unless the
45 Controller shall certify that sufficient unencumbered balances are available in the
46 proper fund to meet the payments under such contract or other obligation as these
47 become due.

1 **ARTICLE IV: EXECUTIVE BRANCH—BOARDS,**
2 **COMMISSIONS AND DEPARTMENTS**
3

4 **4.100 General**

5 In addition to the Office of the Mayor, the executive branch of the City and County
6 shall be composed of departments, appointive boards, commissions and other units of
7 government. To the extent law permits, each appointive board, commission, or other
8 unit of government of the City and County established by state or federal law shall be
9 subject to the provisions of this Article and this Charter.
10

11
12 **4.101 Boards and Commissions—Composition**

13 Unless otherwise provided in this Charter, the composition of each appointive
14 board, commission or advisory body of any kind established by this Charter or
15 legislative act of the United States of America, the State of California or the Board of
16 Supervisors shall:
17

18 1. Be representative of the communities of interest and diverse population in the
19 City and County and have representation of both sexes; and
20

21 2. Consist of electors of the City and County at all times during the term of their
22 respective offices, unless otherwise specifically provided in this Charter, or in the case
23 of boards, commissions or advisory bodies established by legislative act the position
24 the position is designated by ordinance for a person under legal voting age, or unless
25 specifically exempt from the provisions, unless waived by the appointing officer or
26 entity upon a finding that an elector with specific experience, skills or qualifications
27 willing to serve could not be located within the City and County.
28

29 Unless serving by election pursuant to Section 12.100 or Section 12.200, no person
30 shall serve as a member of the same board or commission established by this Charter for
31 more than two successive terms.
32

33 Vacancies on appointive boards, commissions or other units of government shall be
34 filled for the balance of the unexpired term in the manner prescribed by this Charter or
35 ordinance for initial appointments.
36

37 Terms of office shall continue as they existed on the effective date of this Charter.
38

39
40 **4.102 Boards and Commissions—Powers and Duties**
41

1 Unless otherwise provided in this Charter, each appointive board, commission or
2 other unit of government of the executive branch of the City and County shall:

3
4 1. Formulate, evaluate and approve goals, objectives, plans and programs and set
5 policies consistent with the overall objectives of the City and County as determined by
6 the Mayor and the Board of Supervisors;

7
8 2. Develop and keep current an Annual Statement of Purpose outlining its areas of
9 jurisdiction, authorities, purpose and goals, subject to review and approval by the
10 Mayor and the Board of Supervisors;

11
12 3. Make recommendations to the Mayor on the applicable departmental budgets or
13 any budget modifications or fund transfers requiring the approval of the Board of
14 Supervisors;

15
16 4. Recommend to the Mayor for his/her approval or rejection rates, fees and
17 similar charges with respect to appropriate items coming within their respective
18 jurisdictions, subject to discretionary review by the Board of Supervisors as provided in
19 Section 2.110 of this Charter;

20
21 5. Unless otherwise specifically provided, to submit to the Mayor at least three
22 qualified applicants, and if rejected, to make additional nominations in the same
23 manner, for the position of department head, subject to appointment and removal by
24 the Mayor;

25
26 6. Conduct investigations into any aspect of governmental operations within its
27 jurisdiction through the power of inquiry, and make recommendations to the Mayor or
28 the Board of Supervisors;

29
30 7. Exercise such other powers and duties as shall be prescribed by the Board of
31 Supervisors; and

32
33 8. Appoint an executive secretary to manage the affairs and operations of the board
34 or commission.

35
36 In furtherance of the discharge of its responsibilities, an appointive board,
37 commission or other unit of government may:

38
39 1. Hold hearings and take testimony; and

40
41 2. Retain temporary counsel for specific purposes, subject to the consent of the
42 Mayor and the City Attorney.

43
44 No appointive board, commission or other unit of government shall involve itself in
45 the administration of any department within its jurisdiction, except through the
46 department head or his/her designee.

1
2 **4.103 Boards and Commissions—Annual Report**

3
4 As of the operative date of this Charter and until this requirement is changed by the
5 Board of Supervisors, each board and commission of the City and County shall be
6 required by ordinance to prepare an annual report describing its activities, and shall file
7 such report with the Mayor and the Clerk of the Board of Supervisors. The Annual
8 Report can be included in the Annual Statement of Purpose as provided for in Section
9 4.100(2).
10

11 **4.104 Boards and Commissions—Rules and Regulations**

12
13 Unless otherwise provided in this Charter, each appointive board, commission or
14 other unit of government of the executive branch of the City and County shall:
15

16 1. Adopt rules and regulations consistent with this Charter and ordinances of the
17 City and County. No rule or regulation shall be adopted, amended or repealed, without
18 a public hearing. At least two weeks' public notice shall be given for such public
19 hearing. All such rules and regulations shall be filed with the Clerk of the Board of
20 Supervisors.
21

22 2. Hold meetings open to the public and encourage the participation of interested
23 persons. Except for the actions taken at executive sessions, any action taken at other
24 than a public meeting shall be void. Executive sessions closed to the public may be held
25 in accordance with applicable state statutes and ordinances of the Board of Supervisors:
26

27 (a) To consider the appointment, employment or dismissal of a public officer or
28 employee or to hear complaints or charges brought against such officer or employee,
29 except when a public officer or employee being considered for dismissal requests a
30 public hearing;
31

32 (b) To confer with legal counsel under circumstances in which the lawyer-client
33 privilege may be invoked in conformance with state law; and
34

35 (c) To confer with the Attorney General, District Attorney, Sheriff or Chief of
36 Police, or their respective deputies, on matters posing a threat to the security of public
37 buildings or a threat to the public's right of access to public services or public facilities.
38

39 3. Keep a record of the proceedings of each regular or special meeting. Such record
40 shall indicate how each member voted on each question. These records, except as may
41 be limited by state law or ordinance, shall be available for public inspection.
42

43 The presence of a majority of the members of an appointive board, commission or
44 other unit of government shall constitute a quorum for the transaction of business by

such body. Unless otherwise required by this Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter, except that the rules and regulations of the body may provide that, with respect to matters of procedure the body may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum. All appointive boards, commissions or other units of government shall act by a majority, two-thirds, three-fourths or other vote of all members. Each member present at a regular or special meeting shall vote yes or no when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

4.105 Planning Commission

General

The Planning Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be removed by the Mayor. The Mayor shall designate the initial two and four year terms of office of the two members replacing the ex-officio members under the Charter of 1932.

The Commission shall provide the Mayor with at least three qualified candidates for director of Planning, selected on the basis of administrative and technical qualifications, with special regard for experience, training and knowledge in the field of city planning.

The Commission may contract with consultants for such services as it may require subject to the fiscal provisions of this Charter.

General Plan

The Commission shall adopt and periodically revise, after public hearing, a proposed general plan consisting of goals, policies and programs for the future social, economic and physical development of the City and County. Before the proposed General Plan or any revisions thereto shall become effective they shall be submitted to the Board of Supervisors for its approval or rejection. If the Board of Supervisors shall fail to act within ninety days, the proposed General Plan or amendments shall be deemed approved. The Planning Department shall periodically prepare special area, neighborhood and capital improvement plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state and Federal resources. The Planning Department may make such other reports and recommendations to the Mayor, Board of Supervisors and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the General Plan.

In preparing any plans, the Planning Department may include plans for systems and areas within the Bay Region which have a planning relationship with the City and County.

1
2 **Referral of Certain Matters**

3 The following matters shall, prior to passage by the Board of Supervisors, be
4 submitted for written report by the Commission regarding conformity with the General
5 Plan:
6

- 7 1. Proposed ordinances and resolutions concerning the acquisition of property by,
8 or a change in the use or title owned by, the City and County;
9
10 2. Subdivisions of land within the City and County;
11
12 3. Projects for the construction or improvement of public buildings or structures
13 within the City and County;
14
15 4. Project plans for public and private housing, or publicly assisted private housing
16 in the City and County;
17
18 5. Redevelopment project plans within the City and County; and
19
20 6. Such other matters as may be prescribed by ordinance.
21

22 The Commission shall disapprove any proposed action referred to it upon a finding
23 that such action does not conform to the General Plan. Such a finding may be reversed
24 by a vote of two-thirds of the Board of Supervisors.
25

26 All such reports and recommendations shall be issued in a manner and within a
27 time period to be determined by ordinance.
28

29 **Permits and Licenses**

30 All permits and licenses dependent on, or affected by, the zoning or other
31 ordinances administered by the Planning Department shall be approved by the
32 Commission prior to issuance. The Commission may delegate this approval function to
33 the Planning Department.
34
35

36 **Enforcement**

37 The Planning Department shall administer and enforce the zoning and set-back
38 ordinances.
39
40

41 **Zoning Amendments**

42 The Commission may propose for consideration by the Board of Supervisors
43 ordinances regulating or controlling the height, area, bulk, set-back, location, use or
44
45

1 related aspects of any building, structure or land. An ordinance proposed by the Board
2 of Supervisors concerning zoning shall be reviewed by the Commission. Applications
3 for the reclassification of property may be made by interested parties and must be
4 reviewed by the Commission.

5
6 Notwithstanding the Commission's disapproval of a proposal from the Board of
7 Supervisors or the application of interested parties, the Board of Supervisors may adopt
8 the proposed ordinance; however, in the case of any proposal made by the application
9 of interested parties any such adoption shall be by a vote of not less than two-thirds of
10 the Board of Supervisors.

11
12 No application of interested parties proposing the same or substantially the same
13 ordinance as that disapproved by the Commission or by the Board of Supervisors shall
14 be resubmitted to or reconsidered by the Commission within a period of one year from
15 the effective date of final action upon the earlier application.

16 17 **Zoning Variances**

18
19 The director of planning, or his/her designee, shall be responsible for the
20 determination of all zoning variances. The director shall have the power to grant only
21 those variances that are consistent with the general purpose and the intent of the zoning
22 ordinance. The power to grant variances shall be applied only when the plain and
23 literal interpretation and enforcement of the zoning ordinance would result in practical
24 difficulties, unnecessary hardships or where the results would be inconsistent with the
25 general purpose of the zoning ordinance. Decisions of the director of planning
26 regarding zoning variances may be appealed to the Board of Appeals.

27 28 **Conditional Use**

29
30 The Commission shall have the power to hear and decide conditional use
31 applications. An appeal may be taken to the Board of Supervisors from a decision of the
32 Commission to grant or deny a conditional use application. The Board of Supervisors
33 may disapprove the decision of the Commission by a vote of not less than two-thirds of
34 the members of the Board.

35 36 **4.106 Board of Appeals**

37 38 **General**

39
40 The Board of Appeals shall consist of five members appointed by the Mayor,
41 pursuant to Section 3.100, for staggered four-year terms. Members may be removed by
42 the Mayor.
43

1 The Board shall appoint and may remove an executive secretary, who shall serve as
2 department head.

3
4 The Board shall hear and determine appeals with respect to any person who has
5 been denied a permit or license, or whose permit or license has been suspended,
6 revoked or withdrawn, or who believes that his or her interest or the public interest will
7 be adversely affected by the grant, denial, suspension or revocation of a license or
8 permit, except for a permit or license under the jurisdiction of the Recreation and Park
9 Commission or Department.

10
11 After a hearing and any necessary investigation, the Board may concur in the action
12 of the department involved, or by the affirmative vote of four members (or if a vacancy
13 exists, by a vote of three members) overrule the action of the Department upon a
14 determination that:

15
16 1. The action was based upon an erroneous conclusion of law or understanding of
17 a material fact;

18
19 2. The action was based upon an administrative rule or regulation that is clearly
20 unreasonable as applied to the matter under consideration;

21
22 3. The departmental action was an abuse of discretion in applying relevant legal
23 standards;

24
25 4. No standards to guide administrative action were provided;

26
27 5. The applicant has detrimentally relied upon a permit improperly issued by the
28 department involved; or

29
30 6. The applicant has substantially complied with all legal requirements and has
31 otherwise satisfied the purpose and intent of rules, regulations and ordinances and this
32 Charter.

33
34 Where the Board exercises its authority to modify or overrule the action of a
35 department, it shall state in summary its reasons in writing.

36
37 Any variance from a strict application of the terms of an ordinance may be granted
38 only to the extent and under the circumstances expressly permitted by this Charter and
39 the relevant ordinance.

40
41 Decisions of the Board may be appealed to appropriate courts of law. Unless notice
42 of an intent to appeal is filed with the Board within thirty days of such decision and
43 notice of appeal is filed with the court within the period of time established by law, such
44 decisions shall conclusively determine the rights of the applicant and the City and
45 County.

1
2 **4.107 Human Rights Commission**

3
4 **General**

5
6 The Human Rights Commission shall consist of eleven members appointed by the
7 Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be
8 removed by the Mayor.

9
10 *The Commission shall:*

11
12 1. Investigate complaints of unlawful discrimination against any person because of
13 race, color, creed, religion, national origin, ethnicity, age, disability or medical
14 condition, sex, sexual orientation, marital or domestic partners status, gender identity,
15 parental status or any other categories established by ordinance;

16
17 2. Ensure the civil rights of all persons;

18
19 3. Ensure that the affirmative action plans of each department of the City and
20 County are current and are being properly implemented; and report on the
21 implementation of such affirmative action plans to the Mayor and Board of Supervisors;

22
23 4. Promote understanding among the residents of the City and County and work
24 cooperatively with governmental agencies, community groups and others to eliminate
25 discrimination and the results of past discrimination by furnishing information,
26 guidance and technical assistance;

27
28 5. Study, investigate, mediate and make recommendations with respect to the
29 solving of community-wide problems resulting in intergroup tensions and
30 discrimination;

31
32 6. Implement the provisions of ordinances prohibiting discrimination in all
33 contracts and subsequent subcontracts, franchises, leases, concessions or other
34 agreements for or on behalf of the City and County; and

35
36 7. Issue such rules and regulations for the conduct of its business, and prepare
37 such ordinances with respect to human rights for consideration by the Board of
38 Supervisors as are necessary to carry out the purposes of this Section 4.107.

39
40 In furtherance of its responsibilities set forth above, the Commission may hold
41 hearings, issue subpoenas to require witnesses to appear and require the production of
42 evidence, administer oaths, take testimony and issue appropriate orders and petitions
43 for court orders in such manner as may be prescribed by law.

1
2 **4.108 Fire Commission**

3
4 The Fire Commission shall consist of five members appointed by the Mayor,
5 pursuant to Section 3.100, for staggered four-year terms. Members may be removed by
6 the Mayor.
7

8 **4.109 Police Commission**

9
10 The Police Commission shall consist of five members appointed by the Mayor,
11 pursuant to Section 3.100, for staggered four-year terms. Members may be removed by
12 the Mayor.
13

14 The Chief of Police may be removed by the Commission or the Mayor, acting jointly
15 or separately of each other.
16

17 **4.110 Health Commission**

18
19 The Health Commission shall consist of seven members appointed by the Mayor,
20 pursuant to Section 3.100, for staggered four-year terms. The Commission shall have
21 less than a majority of direct care providers. Members may be removed by the Mayor.
22

23 **4.111 Human Services Commission**

24
25 The Human Services Commission shall consist of five members appointed by the
26 Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be
27 removed by the Mayor.
28

29 **4.112 Public Utilities Commission**

30
31 The Public Utilities Commission shall consist of five members appointed by the
32 Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be
33 removed by the Mayor.
34

35 The Commission shall have charge of the construction, management,
36 supervision, maintenance, extension, operation, use and control of all water and energy
37 utilities of the City as well as their real, personal and financial assets.
38

39 **4.113 Recreation and Park Commission**
40

1 The Recreation and Park Commission shall consist of seven members appointed by
2 the Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be
3 removed by the Mayor.

4
5 Except as otherwise specifically provided in this Charter, the Commission shall
6 manage and direct the parks, playgrounds, recreation centers and all other recreation
7 facilities, squares, avenues and grounds under its control.

8
9 **4.114 Port Commission**

10
11 The Port Commission shall consist of five members who shall be appointed by the
12 Mayor, subject to confirmation by a majority of the Board of Supervisors. Each of the
13 members shall serve for a term of four years. They shall be subject to recall, suspension
14 and removal in the same manner as an elected official

15
16 The Commission shall have the composition and organization, and the powers,
17 duties and responsibilities with respect to the Port that are set forth in the Burton Act,
18 Statutes of 1968, Chapter 1333, as amended of July 1, 1980, and in the Agreement
19 Relating to the Transfer of the Port of San Francisco from the State of California to the
20 City and County, executed on the twenty-fourth day of January 1969.

21
22 The Commission shall be subject to the provisions of Sections 4.101-4.103 of this
23 Charter, so far as those powers and duties are not inconsistent with the Burton Act and
24 the Transfer Agreement as they are referred to in the above paragraph.

25
26 **4.115 Airport Commission**

27
28 The Airport Commission shall consist of five members appointed by the Mayor,
29 pursuant to Section 3.100, for staggered four-year terms. Members may be removed by
30 the Mayor.

31
32 The Commission shall provide the Mayor with at least three qualified candidates for
33 Director of Airports, related on the basis of executive, administrative and technical
34 qualifications.

35
36 **4.116 Parking and Traffic Commission**

37
38 The Parking and Traffic Commission shall consist of five members appointed by the
39 Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be
40 removed by the Mayor.

41
42 If not in conflict with state law, members of the Parking and Traffic Commission
43 shall serve ex-officio as members of the Parking Authority. Any person may serve

concurrently as a member of the Parking Authority and the Parking and Traffic Commission.

4.117 Public Transportation Commission

The Public Transportation Commission shall consist of five members who shall be appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be removed by the Mayor. No less than three members of the Commission shall possess knowledge of, or professional experience in, the field of public transportation. No less than two members of the Commission shall be regular riders of the City's public transportation system, and shall continue to be regular riders during their terms as commissioners.

The Board of Supervisors shall have the power by ordinance to abolish the Parking and Traffic Commission and transfer the functions of the Department of Parking and Traffic into the Public Transportation Commission. Thereafter, the Department of Transportation shall be comprised of a Bureau of Public Transit and a Bureau of Parking and Traffic.

Effective upon the abolishment of the Parking and Traffic Commission, two members shall be appointed by the Mayor to the Public Transportation Commission for a term of four years, provided that the respective terms of office of those first appointed shall be one for two years and one for four years.

4.118 Commission on the Environment

The Commission on the Environment shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be removed by the Mayor. The Mayor shall designate the initial term of office for four members to be four years and three members, two years.

The duties and functions of the Department of the Environment shall be assigned pursuant to Section 4.129.

4.119 Commission on Housing and Economic Development

The Commission on Housing and Economic Development shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be removed by the Mayor. The Mayor shall designate the initial term of office for four members to be four years and three members, two years.

The duties and functions of the Department of the Housing and Economic Development shall be assigned pursuant to Section 4.129.

1
2 **4.120 Commission on the Status of Women**

3
4 The Commission on the Status of Women shall consist of seven members appointed
5 by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may
6 be removed by the Mayor.
7

8 **4.121 Commission on Aging**

9
10 The Commission on Aging shall consist of seven members appointed by the Mayor,
11 pursuant to Section 3.100, for staggered four-year terms. Members may be removed by
12 the Mayor.
13

14 **4.122 Departments—General Provisions**

15
16 Except as otherwise provided by this Charter, the responsibilities of each
17 department within the executive branch shall be prescribed by ordinance.
18

19 The administration and management of each department within the executive
20 branch shall be the responsibility of the official so designated by this Charter or, where
21 permitted, by ordinance.
22

23 *Such officials may:*

- 24
25 1. Appoint individuals to fill all positions within their departments which are
26 exempt from the Civil Service provisions of this Charter;
27
28 2. Adopt rules and regulations governing matters within the jurisdiction of their
29 respective departments, subject, if applicable, to the Section 4.102; and
30
31 3. With the approval of the City Administrator, reorganize their respective
32 departments.
33

34 **4.123 Police Department**

35
36 The Police Department shall preserve the public peace, prevent and detect crime,
37 and protect the rights of persons and property by enforcing the laws of the United
38 States, the State of California and the City and County.
39

40 The Chief of Police may appoint and remove at pleasure special police officers.
41

1 The Chief of Police shall have all powers which are now or that may be conferred
2 upon a sheriff by the laws of the State of California with respect to the suppression of
3 any riot, public tumult, disturbance of the public peace or organized resistance against
4 the laws or public authority.

5 6 **District Police Stations**

7
8 The Police Department shall maintain and operate district police stations. The
9 Police Commission, subject to the approval by the Board of Supervisors, may establish
10 additional district stations, abandon or relocate any district station, or consolidate any
11 two or more district stations.

12 13 **Office of Citizens Complaints**

14
15 The Police Commission shall have the power and duty to appoint pursuant to
16 Section 10 a director of the Office of Citizens Complaints who shall hold office at its
17 pleasure. The director shall never have been a uniformed member or employee of the
18 department. The director shall be the appointing officer under the Civil Service
19 provisions of this Charter for the appointment, removal or discipline of employees of
20 the Office of Citizens Complaints.

21
22 The Commission shall have the power and duty to organize, recognize and manage
23 the Office of Citizens Complaints. No full-time or part-time employee of the Office of
24 Citizens Complaints shall have previously served as a uniformed member of the
25 Department. Subject to rule of the Police Commission, the director may appoint part-
26 time hearing officers who shall be exempt from the Civil Service requirements of this
27 Charter. Compensation of the hearing officers shall be at rates recommended by the
28 Commission and established by the Board of Supervisors.

29
30 Complaints of police misconduct or allegations that a member of the Police
31 Department has not properly performed a duty shall be promptly, fairly and impartially
32 investigated by staff of the Office of Citizens Complaints. The Office of Citizens
33 Complaints shall investigate all complaints of police misconduct that a member of the
34 Police Department has not properly performed a duty, except those complaints which
35 on their face clearly indicate that the acts complained of were proper and those
36 complaints lodged by other members of the Police Department. The Office of Citizens
37 Complaints shall recommend disciplinary action to the Chief of Police on those
38 complaints that are sustained. The director shall schedule hearings before hearing
39 officers when such is requested by the complainant or member of the department and,
40 in accordance with rules of the Commission, such a hearing will facilitate the fact-
41 finding process.

42
43 Nothing herein shall prohibit the Chief of Police or a commanding officer from
44 investigating the conduct of a member of the Department under his or her command, or
45 taking disciplinary or corrective action, otherwise permitted by this Charter, when such

1 is warranted; and nothing herein shall limit or otherwise restrict the disciplinary powers
2 vested in the Chief of Police and the Commission by other provisions of this Charter.

3
4 The Office of Citizens Complaints shall prepare in accordance with rules of the
5 Commission monthly summaries of the complaints received and shall prepare
6 recommendations quarterly concerning policies or practices of of the Department which
7 could be changed or amended to avoid unnecessary tension with the public or a
8 definable segment of the public while insuring effective police services.

9
10 In carrying out its objectives the Office of Citizens Complaints shall receive prompt
11 and full cooperation and assistance from all department, officers and employees of the
12 City and County. The director may also suggest and the Chief of Police shall require
13 the testimony or attendance of any member of the Police Departments to carry out the
14 responsibilities of the Office of Citizens Complaints.

15 16 **Police Staffing**

17
18 Not later than June 30, 1995, the police force of the City and County shall at all times
19 consist of not fewer than 1,971 full duty sworn officers. The staffing level of the San
20 Francisco Police Department shall be maintained with a minimum of 1,971 full duty
21 sworn officers thereafter.

22
23 All officers and employees of the City and County are directed to take all acts
24 necessary to implement the provisions of this section. The Board of Supervisors is
25 empowered to adopt ordinances necessary to effectuate the purpose of this section
26 including but not limited to ordinances regulating the scheduling of police training
27 cases.

28
29 Further the Commission shall initiate an annual review to civilianize as many
30 positions as possible to maximize police presence in the communities and submit that
31 report to the Board of Supervisors annually for review and approval.

32
33 The number of full duty sworn officers in the Police Department dedicated to
34 neighborhood policing and patrol for fiscal year 1993-1994 shall not be reduced in
35 future years, and all new full duty sworn officers authorized for the Police Department
36 shall also be dedicated to neighborhood community policing, patrol and investigations.

37 **4.124 Fire Department**

38
39 The Fire Department shall enforce all applicable laws pertaining to the prevention,
40 protection, control and investigation of fires.

41
42 The Fire Chief shall cause the Fire Department to inspect all occupied or vacated
43 structures to determine compliance with applicable laws relative to fire prevention,
44 protection and control and also the protection of persons and property from fire.

1
2 The Fire Chief may during a conflagration cause to be removed any structure for the
3 purpose of checking the progress of the conflagration.
4

5 **4.125 Department of Administrative Services**
6

7 The director of the Department of Administrative Services shall purchase all
8 supplies, equipment and contractual services required by the several departments and
9 offices of the City and County and, except as otherwise provided in the Administrative
10 Code, shall be final. The director shall not enter into any contract or issue any purchase
11 order unless the Controller shall certify thereon that sufficient unencumbered balances
12 are available in the proper fund to meet the payments under such purchase order or
13 contract as these become due. The director shall have charge of the central warehouses,
14 central storerooms, central garage and shop.
15

16 The director shall by rules and regulations approved by the Controller, designate
17 and authorize appropriate personnel within the Department of Administrative Services
18 to exercise the director's signature powers for the purchase orders and contractors
19 approved as provided in this Charter.
20

21 The director shall have authority to exchange used materials, supplies and
22 equipment to the advantage of the City and County, advertise for bids, and to sell and
23 otherwise dispose of personal property belonging to the City and County. The director
24 shall have authority to require the transfer of surplus property in any department to
25 stores or to other departments.
26

27 The director shall manage all public buildings, facilities and real estate of the City
28 and County, unless otherwise designated or provided for in this Charter.
29

30 Additional duties and functions of the Department of Administrative Services shall
31 be assigned pursuant to Section 4.129.
32

33 **4.126 Department of Public Works**
34

35 The duties and functions of the Department of Public Works shall be assigned by
36 the City Administrator, by ordinance or pursuant to Section 4.129.
37

38 **4.147 County Clerk**
39

40 *The County Clerk shall:*
41

- 42 1. Maintain all court filings, records and documents;
43

2. Issue and maintain records of marriage licenses, domestic partnership registrations, birth and death certificates.

3. Carry out all other duties and functions assigned by the City Administrator, by ordinance or pursuant to Section 4.129.

4.128 Executive Branch Reorganization

The Mayor, by issuing a notice to the Board of Supervisors, may reorganize the duties and functions between departments and other units of government within the executive branch. Such reorganization shall become effective thirty days after its issuance unless disapproved by the Board of Supervisors within thirty days of its issuance.

A proposed reorganization shall provide for the transfer of:

1. Civil Service employees who are engaged in the performance of a function or duty transferred to another office, agency or department; such transfer shall not adversely affect status, position, compensation or pension or retirement rights and privileges;

2. Any unexpended balances of appropriations and other funds available for use in connection with any office, agency, department or function affected by the reorganization; any unexpended balance so transferred shall be used only for the purpose for which the appropriation was originally made, except as this Charter otherwise permits.

ARTICLE V: EXECUTIVE BRANCH—ARTS AND CULTURE

5.100 General

The arts and culture departments are the Arts Commission, the Asian Art Museum of San Francisco, The Fine Arts Museums of San Francisco and Veterans Memorial and Performing Arts Center. They shall be a part of the executive branch.

For the purposes of this Article, the members of the governing boards of the arts and culture departments are referred to as "Commissioners." The terms of office of all Commissioners shall continue as they existed on the effective date of this Charter. All Commissioner vacancies shall be filled within ninety days, but any Commissioner whose term has expired may serve until a successor is appointed. Unless warranted by

1 exceptional circumstances, no Commissioner may serve more than two successive
2 terms.
3

4 The governing boards of the arts and culture departments may accept and shall
5 comply with the terms and conditions of loans, devises, bequests or agreements
6 donating works of art or other assets to their department without action of the Board of
7 Supervisors so long as acceptance of the same entails no expense for the City and
8 County beyond ordinary care and maintenance.
9

10 **5.101 Charitable Trust Departments**

11
12 For the purposes of this Article, the Asian Art Museum of San Francisco, The
13 Fine Arts Museums of San Francisco and the Veterans Memorial and Performing Arts
14 Center are referred to as the "charitable trust departments."
15

16 Nothing in this Article shall be construed to limit or change the powers of the
17 governing boards of the charitable trust departments insofar as they involve
18 administration of the charitable trusts for which they are responsible. Administration
19 and control of the Asian Art Museum and its contents shall be continued consistent
20 with the conditions applicable to the Brundage gift.
21

22 The charitable trust departments shall have exclusive charge of the trusts and
23 assets under their jurisdiction, including any land or buildings set aside for their use.
24 They shall have authority to maintain, repair or reconstruct existing buildings and
25 construct new buildings, and to make and enter into contracts relating thereto, subject,
26 however insofar as City funds are to be used, to the budget and annual appropriation
27 ordinance.
28

29 **5.102 City Museums**

30
31 When the term "museums" is used in this Article, unless otherwise specified, it
32 refers to both the Asian Art Museum of San Francisco and The Fine Arts Museums of
33 San Francisco.
34

35 Commissioners of the museums are exempt from the requirements of 4.101(2) of
36 this Charter and shall serve without compensation. They shall serve for staggered
37 three-year terms. They may be removed by the Mayor only pursuant to Section 15.111.
38

39 The governing boards of the museums shall adopt by-laws providing for the
40 conduct of their affairs, including the appointment of an executive committee which
41 shall have authority to act in all matters on behalf of the governing board.
42

43 The governing boards of the museums shall appoint and may remove a director
44 and such other executive and administrative positions as may be necessary. Appointees

to such positions need not be residents of the City and County. Notwithstanding any other provision of this Charter, the governing boards may accept and utilize contributions to supplement or pay for the salaries and benefits of these appointees in order to establish competitive compensation, provided that only compensation established pursuant to the salary provisions of this Charter shall be used for Retirement System purposes.

The governing boards of the museums may insure any loaned exhibit and agree to indemnification and binding arbitration provisions necessary to insuring exhibitions without action of the Board of Supervisors so long as such agreement entails no expense to the City and County beyond ordinary insurance expense.

5.103 Art Commission

The Arts Commission shall consist of fifteen members appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Ten members shall be practicing arts professionals including two architects, a landscape architect, and representatives of the performing, visual and literary arts; and five members shall be lay members. Members may be removed by the Mayor.

The Arts Commission shall appoint and may remove an executive of the department.

The Arts Commission shall encourage artistic awareness, participation and expression; education in the arts; assist independent local groups with the development of their own programs; promote the employment of artists and those skilled in crafts, in the public and private sectors; provide liaison with state and federal agencies to ensure increased funding for the arts from these agencies as well as represent arts issues and policy in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco.

In furtherance of the foregoing the Arts Commission shall:

1. Approve the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, set-backs or usable open spaces which are an integral part of any such structures;

2. Approve the design and location of all works of art before they are acquired or released by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County;

3. Promote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, establish liaison between community groups and develop support for neighborhood artists and arts organizations; and

4. Supervise and control the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts, except for appropriations made to the Publicity and Advertising Fund.

Nothing in this section shall be construed to limit or abridge the powers or exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences or the Library Commission over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care.

5.104 Asian Art Museum of San Francisco

The Asian Art Commission shall consist of twenty-seven trustees appointed by the Mayor. In filling vacancies, the Mayor shall solicit nominations from the Commission and shall give due consideration to such nominees in filling such vacancies to the end that the members of the Commission shall be representative of the fields of Asian art and culture by reason of their knowledge, experience, education, training, interest or activity therein.

The Commission may designate such persons as it deems appropriate "Honorary Commissioners" or "Commissioners Emeritus." Honorary Commissioners may have a seat on the Commission and may participate in debate but are not entitled to vote on matters before the Commission.

The Commission shall:

1. Develop and administer that museum which is known as the "Asian Art Museum; of San Francisco," such other such title as may be chosen by not less than two-thirds of the members of the Commission;

2. Control and manage the City and County's Asian art with the Avery Brundage Collection as its nucleus, consistent with the conditions applicable to the Brundage and other gifts;

3. Maintain a charitable foundation or other legal entity for the purpose of developing the Asian Art Museum;

4. Promote, establish and develop an acquisition fund for Asian art objects; and

1 5. Collaborate with other groups and institutions to extend and deepen the
2 activities necessary to establish the Asian Art Museum as the outstanding center of
3 Asian art and culture in the western world.
4

5 During such time as the Asian Art Museum is located in a wing of the M. H. de
6 Young Memorial Museum, the Commission shall control and manage the collections
7 housed in that wing as provided for in the July 2, 1969 Management Agreement
8 between the Committee of Asian Art and Culture and the Board of Trustees of the de
9 Young Museum, a copy of which is on file with the Clerk of the Board of Supervisors.

10 11 5.105 **The Fine Arts Museums of San Francisco**

12
13 The Fine Arts Museums Board of Trustees shall consist of sixty-two members to
14 be elected by the members of the Board. On a vote of the majority of members, the
15 number of Trustees may be increased or decreased from time to time as needed,
16 provided that the number of Trustees shall not be more than sixty-two, and provided
17 further that a vote to decrease the number shall not affect the power or tenure of any
18 incumbent.
19

20 In selecting members to serve on the Board, the Board of Trustees shall give due
21 consideration to nominees who are broadly representative of the diverse communities
22 of the City and County and knowledgeable in the fields of art and culture, as
23 demonstrated by their experience, training, interest or philanthropic activity.
24

25 A quorum of the Fine Arts Museums' Board shall consist of one-third of the
26 number of Trustees in office at the time.
27

28 The Fine Arts Museums' Board of Trustees is responsible for the protection and
29 conservation of the assets of the Fine Arts Museums' and for setting the public course
30 the Museums will follow. The Board shall assure that the Museums are open,
31 accessible and vital contributors to the cultural life of the City and County, and that the
32 Museums' programs bring art appreciation and education to all the people of the City
33 and County.
34

35 5.106 **Veterans Memorial and Performing Arts Center**

36
37 The governing board of the Veterans Memorial and Performing Arts Center shall
38 consist of eleven trustees appointed by the Mayor, pursuant to Section 3.100, for
39 staggered four-year terms. In making appointments the Mayor shall give due
40 consideration to veterans and others who have a special interest in the purposes for
41 which the Center exists. Members may be removed by the Mayor only pursuant to
42 Section 15.111.
43

1 The governing board of the Veterans Memorial and Performing Arts Center
2 shall appoint and may remove the director.
3
4

5 **ARTICLE VI: OTHER ELECTIVE OFFICERS**

6

7 **6.100 Designation of Other Elective Officers**

8

9 In addition to the officers required to be elected under other Articles of this Charter,
10 the following shall constitute the other elective officers of the City and County: the
11 Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff and
12 Treasurer. Each such officer shall be elected for a four-year term and shall serve full
13 time.
14

15 The City Attorney, District Attorney and Public Defender shall each be licensed to
16 practice law in all courts of the State of California and shall have been so licensed for at
17 least ten years preceding election. Such officers shall not engage in the private practice
18 of law during the period they serve as elective officers of the City and County.
19

20 Subject to the powers and duties set forth in this Charter the officers named in this
21 section shall have such additional powers and duties prescribed by the laws of the State
22 of California for their respective office.
23

24 **6.101 Assessor-Recorder**

25

26 *The Assessor-Recorder shall:*
27

- 28 1. Equitably and effectively administer the property assessment system of
29 the City and County; and
30
- 31 2. Record all property transfers, liens and real estate transactions, effective
32 July 1, 1998.
33

34 **6.102 City Attorney**

35

36 *The City Attorney shall:*
37

- 38 1. Represent the City and County in legal proceedings with respect to which
39 it has an interest;
40
- 41 2. Represent an officer or official of the City and County when directed to do

1 so by the Board of Supervisors, unless the cause of action exists in favor of the City and
2 County against such officer or official;

3
4 3. Whenever a cause of action exists in favor of the City and County, commence
5 legal proceedings when such action is within the knowledge of the City Attorney or
6 when directed to do so by the Board of Supervisors;

7
8 4. Upon request, provide advice or written opinion to any elected officer,
9 department head or board, commission or other unit of government or member thereof,
10 of the City and County;

11
12 5. Make recommendations for or against the settlement or dismissal of legal
13 proceedings for or against the City and County to the Board of Supervisors prior to any
14 such settlement or dismissal. Such proceedings shall be settled or dismissed upon the
15 recommendation of the City Attorney only by ordinance;

16
17 6. Approve as to form all bonds, contracts and, prior to enactment, all ordinances;
18 and examine and approve title to all real property to be acquired by the City and
19 County;

20
21 7. Prepare, review annually and make available to the public a codification of
22 ordinances of the City and County then in effect;

23
24 8. Prepare and make available to the public an annual edition of this Charter
25 complete with all of its amendments and legal annotations; and

26
27 9. Establish in the Office of the City Attorney a Bureau of Claims Investigation and
28 Administration which shall have the power to investigate, evaluate and settle for the
29 several boards, commissions and departments all claims for money or damages. The
30 Bureau shall also have the power to investigate incidents where the City faces potential
31 civil liability, and to settle demands before they are presented as claims, within dollar
32 limits provided for by ordinance, from a revolving fund to be established for that
33 purpose. The City Attorney shall appoint a chief of the Bureau who shall serve at his or
34 her pleasure. The chief of the Bureau may appoint, subject to confirmation by the City
35 Attorney, investigators who shall serve at the pleasure of the chief.

36
37 **6.103 District Attorney**

38
39 *The District Attorney shall:*

40
41 1. Investigate all allegations of violations of laws which the District Attorney has
42 the power to prosecute in court or before any other trier of fact;

2. Prosecute all criminal cases in the appropriate courts and issue warrants for the arrest of persons charged with crimes to be prosecuted in such courts; and

3. Proceed in such civil cases as authorized by the law.

6.104 Public Defender

The Public Defender shall, upon the request of an accused who is financially unable to employ counsel, or upon order of the Court, defend or give counsel or advice to any person charged with the commission of a crime or in danger of criminal prosecution.

6.105 Sheriff

The Sheriff shall:

1. Keep the county jail;
2. Receive all prisoners committed to jail by competent authorities;
3. Execute the orders and legal processes issued by courts of the State of California;
4. Upon court order detail necessary bailiffs; and
5. Execute the orders and legal processes issued by the Board of Supervisors or by any legally authorized department or commission.

6.106 Treasurer

The Treasurer shall be responsible for the collection of taxes, the receipt of all monies collected by the City and County and their safeguard, deposit and investment in accordance with sound financial practices.

6.107 Vacancies

If the position of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff or Treasurer shall become vacant because of death, resignation, permanent disability, or the inability of the respective officer to otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual qualified under this Charter and the laws of the State of California.

ARTICLE VII: JUDICIAL BRANCH

7.100 Superior and Municipal Courts

The powers and duties of the Superior and Municipal Courts are as prescribed by state law.

Any fees required to be collected by the Municipal Court or the Clerk of such Court shall be paid into the treasury of the City and County.

7.101 Adult Probation

Adult probation is a county function which is prescribed by state law. The Superior Court shall appoint the Chief Adult Probation Officer. The Chief Adult Probation Officer shall appoint such assistants, deputies and employees as may be allowed or provided by the Board of Supervisors.

The Chief Adult Probation Officer, and his or her assistants and deputies, shall have the powers and duties conferred upon such adult probation officers, assistants and deputies by the laws of the State of California; and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

7.102 Juvenile Probation

The Juvenile Probation Commission shall consist of seven members who shall be appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Two of the members shall be appointed from lists of eligibles submitted to the Mayor by the Superior Court. The Juvenile Probation Department shall be a part of the executive branch.

Members may be removed by the Mayor.

Any member may serve concurrently as a member of the Juvenile Justice Commission created by state law and as a member of the Juvenile Probation Commission herein created.

The Chief Juvenile Probation Officer, assistants and deputies shall have the powers and duties conferred upon such Chief Juvenile Probation Officers, assistants and deputies by the laws of the State of California; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

ARTICLE VIII: EDUCATION AND LIBRARIES

8.100 Unified School District

The Unified School District shall be under the control and management of a Board of Education composed of seven members who shall be elected by the voters of the Unified School District. A student representative shall serve on the Board of Education in accordance with state law. No member of this Board shall be eligible to serve on the Governing Board of the Community College District. Vacancies occurring on the Board of Education shall be filled for the unexpired term by the Mayor. The compensation for each member shall be \$500 per month.

8.101 Governing Board of the Community College District

The Community College District shall be under the control and management of a Governing Board composed of seven members who shall be elected by the voters of the Community College District. A student representative shall serve on the Governing Board in accordance with state law. No member of this Board shall be eligible to serve on the Board of Education. Vacancies occurring on the Governing Board shall be filled for the unexpired term by the Mayor. The compensation for each member shall be \$500 per month.

8.102 Public Libraries

Libraries including the Library Commission and the Library Department shall be a part of the executive branch.

The Library Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Members may be removed by the Mayor.

8.103 Law Library

The Law Library shall be under the management and control of the Board of Trustees, which shall consist of seven appointive members of the San Francisco Bar; and the Mayor, the Presiding Judge and the three judges of the Appellate Department of the Superior Court, ex officio. All vacancies on the Board shall be filled by the Board.

The Board of Trustees shall appoint and at its pleasure may remove a librarian, who shall be its executive officer, and such assistants as are necessary for the proper conduct and operation of the Library. The salaries of the Librarian and the assistants and

employees shall be fixed by the Board of Supervisors as provided by this Charter for other City and County employees.

The Supervisors shall provide suitable and sufficient quarters for the Law Library, fix up and furnish the same and provide for the supply of necessary light, heat, stationery and other conveniences. The Library shall be so located as to be readily accessible to the Judges and the Officers of the Court.

The County Clerk and the Clerk of the Municipal Court shall collect the fees provided for law libraries by law and the fees so collected by such officers or by any officers under any other provisions of the law shall be paid to the Treasurer of the Law Library monthly, and shall constitute a Law Library fund to be expended by the Law Library Trustees in the purchase of books and periodicals, and in the establishment and maintenance of the Law Library.

The judiciary, city, county and state officials, members of the Bar and all inhabitants of the City and County shall have free access, use and enjoyment of the Law Library, subject to rules and regulations of the Board of Trustees.

ARTICLE IX: FINANCIAL PROVISIONS

9.100 Budget Process Ordinances

The Mayor shall submit and the Board of Supervisors shall act on ordinances with respect to the following:

1. The establishment of the City and County's fiscal year;
2. A schedule and procedures for the orderly preparation and submission of the annual proposed budget and for the review and adoption of the necessary interim and final appropriations ordinances;
3. A description of the form of the annual proposed budget and appropriation ordinance consistent with the financial records required by Section 3.105 of this Charter and containing information relating the type and extent of services to be delivered or revenues to be generated to proposed expenditures in a manner which, to the extent feasible, allows comparison of expected performance and expenditures between various fiscal years; and
4. A procedure to include public participation in the budgetary process which shall include public hearings conducted by the commissions, Mayor and the Board of Supervisors.

1
2 **9.101 Proposed Annual and Multi-Year Budgets**

3
4 The Mayor shall submit to the Board of Supervisors each year an annual proposed
5 budget, ordinances and resolutions fixing wages and benefits for all classifications and
6 related appropriation ordinances.

7
8 *The annual proposed budget shall include:*

9
10 1. Estimated revenues and surpluses from whatever sources, to the extent feasible,
11 for the forthcoming fiscal year and the allocation of such revenues and surpluses to
12 various departments, functions and programs to support expenditures. Proposed
13 expenditures shall include such necessary and prudent reserves as determined by the
14 Controller; and

15
16 2. A summary of the annual proposed budget with a narrative description of
17 priorities, services to be provided and economic assumptions used in preparing the
18 revenue estimates. The summary shall also contain a discussion of trends and
19 projections of revenues and expenditures of the City and County for the subsequent
20 four years.

21
22 The annual proposed budget and appropriation ordinances shall be balanced so
23 that the proposed expenditures of each fund do not exceed the estimated revenues and
24 surpluses of that fund.

25
26 Until the appropriation ordinances are adopted by the Board of Supervisors, the
27 Mayor may submit to the Board of Supervisors revisions to the annual proposed
28 budget, appropriation ordinances, and ordinances and resolutions fixing wages and
29 benefits.

30
31 The Mayor may instruct the Controller to prepare the draft appropriation
32 ordinances.

33
34 The Mayor shall file a copy of the annual proposed budget at the Main Library and
35 shall make copies of the budget summary available to the public.

36
37 3. The Board of Supervisors by ordinance may require multi-year budget plans and
38 other budget planning strategies to be performed by the several departments and offices
39 of the City and County under the direction of the Mayor.

40
41 **9.102 Certification of Revenues Estimates**

42
43 The Mayor shall submit to the Controller for review the estimated revenues
44 contained in the annual proposed budget and any subsequent revisions. The Controller

1 shall then provide the Board of Supervisors with an opinion regarding the accuracy of
2 economic assumptions underlying the revenue estimates and the reasonableness of such
3 estimates and revisions.
4

5 9.103 Adoption of Appropriation Ordinances and Tax Levy

6
7 The Board of Supervisors may amend the annual proposed budget and
8 appropriation ordinances as follows:
9

10 1. After review of the Controller's analysis of the Mayor's revenue estimates, the
11 Board of Supervisors may reduce proposed revenues;
12

13 2. The Board of Supervisors may increase or decrease any proposed expenditure in
14 the General Fund or any special, sequestered or other fund so long as the aggregate
15 changes do not cause the expenditures from each fund to exceed the amount proposed
16 for expenditures by the Mayor from any such fund;
17

18 3. The Board of Supervisors may increase or decrease any proposed expenditure for
19 Capitol Improvements subject to the provisions of Section 9.105; and
20

21 4. All disbursements of City funds in the custody of the Treasurer must be
22 authorized by the Controller. No City officer or employee may bind the City and
23 County to expend money unless there is a written contract on which the Controller has
24 certified the availability of funds.
25

26 9.104 Veto of Appropriations

27
28 The Mayor may reduce or reject any expenditure made by the Board of Supervisors,
29 except appropriations for bond interest, redemption or other fixed charges, within ten
30 days after the adoption of a final annual or supplemental appropriations ordinance.
31 Within ten days of receipt of the Mayor's veto message, the Board of Supervisors may
32 reinstate, in whole or in part, any expenditure reduced or rejected by the Mayor by a
33 vote of two-thirds of its members. In overriding any Mayoral veto, the Board of
34 Supervisors shall not cause the aggregate expenditures for the General Fund or any
35 special, sequestered or other fund in the appropriation ordinances to exceed the
36 Mayor's revenue estimate as allocated to such funds.
37

38 9.105 Modifications

39
40 The Board of Supervisors may authorize the Controller, upon the request of the
41 Mayor, other officials, boards or commissions of the City and County to transfer
42 previously appropriated amounts within the same fund within the same governmental
43 unit without approval of the Board of Supervisors.

Amendments to the appropriations ordinance, as finally adopted, may be initiated by the Mayor or a member of the Board of Supervisors and adopted in the same manner as other ordinances. No amendment too the appropriations ordinance may be adopted unless the Controller certifies availability of funds.

Any appropriation contained in an emergency ordinance or an urgency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

9.106 Capital Improvements Program

Not later than ninety days prior to the commencement of each fiscal year, the Mayor shall be responsible for the preparation and submission to the Board of Supervisors of a proposed capital improvements program covering the next six years.

The capital improvements program shall describe:

1. All new facilities or renovation projects plan;
2. The source and amount of planned new facility or renovation expenditures;
3. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired and the assumptions underlying such estimates;
4. The estimated annual revenues, if any, to be generated and the assumptions underlying such estimates;
5. Project schedules providing for reconstruction, replacement or improvement of public buildings and structures; and
6. Other information pertinent to the evaluation of the capital improvements program.

All capital improvement projects must be reviewed by the Planning Department for conformity with the General Plan. The information in the capital improvements program may be modified or extended each year for capital improvements pending or in process of acquisition or construction. The Board of Supervisors may delete projects from the capital improvements program as submitted to it, but may not otherwise amend the program until it has requested and considered the recommendations of the Planning Department. However, the Board of Supervisors may act without such recommendations if they are not received within thirty days from the date requested.

The Board of Supervisors shall adopt a capital improvements program as proposed or amended within sixty days after submission. The adopted capital improvement program shall serve solely as an advisory program for use during the budget process.

1
2 **9.107 Facilities Maintenance Program**

3
4 The annual proposed budget shall contain the facilities maintenance program for
5 the City and County.

6
7 *This program shall describe to the extent possible:*

8
9 1. Project schedules for the continuing maintenance and repair of public buildings
10 and structures;

11
12 2. A priority listing of the necessary maintenance, including the repair of all capital
13 equipment, structures and grounds of departments or units of government of the City
14 and County which are contained within the General Fund;

15
16 3. The amount of annual expenditures necessary for such maintenance; and

17
18 4. Other information pertinent to the evaluation of the facilities maintenance
19 program.

20
21 **9.108 General Obligation Bond**

22
23 The Board of Supervisors is hereby authorized to provide for the issuance of general
24 obligation bonds in accordance with the Constitution of the State of California. General
25 obligation bonds may be issued and sold in accordance with state law or any local
26 procedure adopted by ordinance. There shall be a limit on outstanding general
27 obligation bond indebtedness of three percent of the assessed value of all taxable real
28 and personal property, located within the City and County, as determined from
29 assessment rolls of the City and County.

30
31 **9.109 Revenue Bonds**

32
33 The Board of Supervisors is hereby authorized to provide for the issuance of revenue
34 bonds. Revenue bonds shall be issued only with the assent of a majority of the voters
35 upon any proposition for the issuance of revenue bonds, except that no voter approval
36 shall be required with respect to revenue bonds:

37
38 1. Approved by three-fourths of all the Board of Supervisors if the bonds are to
39 finance buildings, fixtures or equipment which are deemed necessary by the Board of
40 Supervisors to comply with an order of a duly constituted state or federal authority
41 having jurisdiction over the subject matter;

42
43 2. Approved by the Board of Supervisors prior to January 1, 1977;
44

3. Approved by the Board of Supervisors if the bonds are to establish a fund for the purpose of financing or refinancing for the acquisition, construction or rehabilitation of housing in the City and County;

4. Authorized and issued by the Port Commission for any Port-related purpose and secured solely by Port revenues, or authorized and issued by the Airports Commission for any Airport-related purpose and secured solely by Airport revenues;

5. Issued for the purposes of assisting private parties in the financing and refinancing of the acquisition, construction, reconstruction or equipping of any improvement for industrial, manufacturing, research and development, commercial and energy uses or other facilities and activities incidental thereto, provided the bonds are not secured or payable from any monies of the City and County or its commissions.

6. Issued for the purpose of the reconstruction or replacement of existing water facilities or electric power facilities or combinations of water and electric power facilities under the jurisdiction of the Public Utilities Commission, when authorized by resolution adopted by a three-fourths affirmative vote of all members of the Board of Supervisors.

7. Approved and authorized by the Board of Supervisors and secured solely by an assessment imposed by the City.

Except as expressly provided in this Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided for by ordinance.

9.110 Lease Financing

The City and County may enter into public leaseback only with the assent of the majority of the voters voting upon any proposition for the authorization of lease financing. As used in this section, lease financing shall mean any lease or sublease made between the City and County and any public agency or authority, a non-profit corporation or a retirement system for the purpose of financing the acquisition, construction or improvement by the City and County of real property or equipment.

The requirements of this section do not apply to:

1. Any lease financing which was approved in fact or in principle by a resolution or ordinance adopted by the Board of Supervisors prior to April 1, 1977; provided, that if the resolution or ordinance approved the lease financing only in principle, the resolution or ordinance must describe in general terms the public improvements or equipment to be financed; or

2. The approval of an amendment to a lease financing arrangement or to the refunding of lease financing bonds which results in lower total rental payments under the terms of the lease; or

3. Lease financing involving a nonprofit corporation established for the purpose of this subsection for the acquisition of equipment, the obligations or evidence of indebtedness with respect to which shall not exceed in the aggregated at any point in time a principle amount of \$20 million, such amount to be increased by five percent each fiscal year commencing with fiscal year 1990-1991; provided, however, that prior to each sale of such obligations or evidence of indebtedness, the Controller certifies that in his or her opinion the net interest cost to the City will be lower than other financings involving a lease or leases.

9.111 Refunding Bonds

The Board of Supervisors is hereby authorized to provide for the issuance of bonds of the City and County for the purpose of refunding any general obligation or revenue bonds of the City and County then outstanding. No voter approval shall be required for the authorization, issuance and sale of the bonds results in net debt service savings to the City and County. Any refunding bonds may be issued and sold in accordance with state law or any procedure established by ordinance.

9.112 Bond Election by Initiative

Proceedings for the authorization and issuance of bonds for the acquisition, construction or completion of any public utility or utilities may be initiated by electors in the following manner: Whenever a petition, signed by qualified electors of the City and County equal in number to at least fifteen percent of the votes cast for all candidates for Mayor at the last proceeding general municipal election for Mayor, requesting the Board of Supervisors to submit to the voters of the City and County a proposition or propositions for incurring bonded indebtedness for the acquisition, construction or completion of any public utilities or utilities shall be filed with the director of elections, the Board of Supervisors shall submit to the voters the proposition or propositions for incurring bonded indebtedness of the City and County for purposes or purposes set forth in that petition at the next general municipal, statewide or special municipal election.

9.113 General Authority

Except as otherwise expressly provided in this Charter, the City and County and its commissions shall have the authority to incur and refund indebtedness as provided by and pursuant to the general laws of the state as such laws are in force at the time any bonded indebtedness is created or refunded by the City and County.

1
2 **9.114 Revenue Bonds of the Port Commission**

3
4 The Port Commission shall have the exclusive power to perform or accomplish
5 issuance of revenue bonds in the same manner and to the same extent as is provided for
6 by the San Francisco Harbor Revenue Bond Act of 1951, enacted by Stats. 1951, Chapter
7 1712, page 4020, of the Statutes of California and codified as Sections 3300 to 3369 of the
8 Harbors and Navigation Code of the State of California, except that the provisions of
9 the Act codified as Section 338 of the Harbors and Navigation Code shall not be
10 applicable to these bonds and the bonds shall instead be governed by the following
11 provisions:
12

13 The Commission may fix terms and conditions for the sale or other disposition of
14 any authorized issue of bonds and may provide that the bonds may be sold on the basis
15 of the lowest net interest cost to the San Francisco Port Commission, the coupon rates to
16 be fixed by the successful bidder on the sale of the bonds. The Commission may
17 authorize the City Treasurer to sell bonds at less than their par or face value, but no
18 bonds may be sold at a price below ninety-five percent of the principal amount of the
19 bonds and accrued interest thereon. The Commission may set the annual rate or rates
20 of interest which the bonds to be issued shall bear, which rate or rates, at the discretion
21 of the Commission, may be determined by the bidder at the time of sale of the bonds.
22 Such interest may be payable at such periods as may be fixed by the Commission.
23

24 All of the other provisions of the Act are by this reference incorporated in and made
25 a part of this Charter, except where the term "Board of State Harbor Commissioners" is
26 used it shall be deemed to mean the "Port Commission," and where the term "San
27 Francisco Harbor" is used it shall be deemed to mean all the property under the
28 jurisdiction of the San Francisco Port Commission, and where the term "San Francisco
29 Harbor Bond Finance Board" or "Bond Finance Board" is used it shall be deemed to
30 mean "Board of Supervisors of the City and County of San Francisco," and where the
31 term "Attorney General of the State Attorney" is used it shall be deemed to mean "City
32 Attorney," and where the term "State Treasurer" is used it shall be deemed to mean
33 "City Treasurer," and where the term "State Controller" is used it shall be deemed to
34 mean "City Controller." The revenue bonds issued hereunder shall also be known as
35 "Revenue Bonds of the Port Commission of San Francisco."
36

37 **9.115 Cash Reserves**

38
39 Unused and unencumbered appropriations or unencumbered balances existing at
40 the close of any fiscal year in revenue or expense appropriations of the City and County
41 for any such fiscal year, including some balances in revenue and expense
42 appropriations provided in this Charter for libraries, parks and squares, playgrounds
43 and Civil Service in such fiscal year, but exclusive of revenue or money required by law
44 to be held in school, bond, bond interest, bond redemption, pension, trust, utility or

1 other specific funds, or to be devoted exclusively to specified purposes other than
2 annual appropriations, and together with revenues collected or accruing from any
3 source during such fiscal year, in excess of the estimated revenue from such source as
4 shown by the annual budget And the appropriation ordinance for such fiscal year, shall
5 be transferred by the Controller, as the closing of such fiscal year, to a "Cash Reserve
6 Fund" which is hereby created and which may be used only in the manner authorized
7 by this Charter; provided, however, that when the balance in the Case Reserve Fund
8 shall equal 10 per centum of the current or the last preceding tax levy no such transfer
9 shall be made by the Controller except on the recommendation of the Controller, the
10 approval of the Mayor and the authorization of the Board of Supervisors, by majority
11 vote.

12
13 Such unused and unencumbered appropriations, balance and revenue collections
14 in excess of revenue estimates, as hereinbefore in this section defined, when not
15 transferred to the Cash Reserve Fund as hereinbefore in this section required or
16 authorized, shall be held as surplus.

17
18 Such surplus shall be taken into account as revenue of the ensuing fiscal year;
19 provided, however, that any such surplus created or existing in any fiscal year may be
20 appropriated by the Board of Supervisors by means of an ordinance designated as a
21 supplemental appropriation ordinance, on the recommendation of the City
22 Administrator, or any board, commission or elective officer, respectively, and the
23 approval and submission by the Mayor of a supplemental budget estimate or request, in
24 the same manner and subject to the same conditions, except time, as provided in this
25 Charter for the submission and approval of the annual budget and appropriation
26 ordinance.

27
28 In the event the City Administrator, or any board, commission or elective officer
29 shall recommend a supplemental appropriation ordinance subsequent to the adopt of
30 the budget for any fiscal year and prior to the closed of the fiscal year containing any
31 item which had been rejected by the Mayor in his/her review of departmental budget
32 estimates for the fiscal year or which had been rejected by the Board of Supervisors in
33 its consideration of the Mayor's proposed budget for the fiscal year, it shall require a
34 vote of two-thirds of all members of the Board of Supervisors to approve such
35 supplemental appropriation ordinance.

36
37 No ordinance or resolution for the expenditure of money, except the annual
38 appropriation ordinance, shall be passed by the Board of Supervisors unless the
39 Controller first certifies to the Board that there is a sufficient unencumbered balance in a
40 fund that may legally be used for such proposed expenditure, and that, in the judgment
41 of the Controller, revenues as anticipated in the appropriation ordinance for such fiscal
42 year and properly applicable to meet such proposed expenditures will be available in
43 the treasury in sufficient amount to meet the same as it becomes due.
44

1 9.116 **Mission Driven Budget**

2
3 Each departmental budget shall describe in detail each proposed activity of that
4 department and the cost of that activity. In addition, each department shall provide the
5 Mayor and the Board of Supervisors with the following details regarding its budget:

- 6
7 1. The overall mission and goals of the department;
- 8
9 2. The specific programs and activities conducted by the department to accomplish
10 its mission and goals;
- 11
12 3. The customer(s) or client(s) served by the department;
- 13
14 4. The service outcome desired by the customer(s) or client(s) of the department's
15 programs and activities;
- 16
17 5. Strategic plans that guide each program or activity;
- 18
19 6. Productivity goals that measure progress toward strategic plans;
- 20
21 7. The total cost of carrying out each program or activity; and
- 22
23 8. The extent to which the department achieved, exceeded or failed to meet its
24 missions, goals, productivity objectives, service objectives, strategic plans and spending
25 constraints identified in subsections (a) through (f) during the prior year.

26
27 It is the intention of the people that this mission driven budget process be phased in
28 over the three year period mentioned in this section with the Mayor identifying for each
29 of the three years approximately one-third of the City departments that shall
30 thenceforth be required to comply with the requirements of this section and Sections
31 9.118 and 9.119. Departmental budget estimates shall be prepared in such form as the
32 controller, after consulting with the Mayor, directs in writing.

33
34 9.117 **Departmental Budget Commitments**

35
36 It shall be the duty of each officer, department head, board or commission
37 ultimately responsible for the management of each department to certify to the Mayor
38 and the Board of Supervisors his/her commitment to perform the programs and
39 activities with specified levels of performance for specified costs as outlined in the
40 budget description and other information required by Section 9.116.

41
42 9.118 **Departmental Savings and Revenue Gains**

Within thirty days of the Controller's issuance of the combined annual financial report of the City and County, the Controller shall report to the Mayor and Board of Supervisors regarding the extent to which each department in the prior fiscal year has recovered additional revenues measured by the difference between projected and experienced revenues. It shall be the City policy for the Mayor and Board of Supervisor, upon receipt of this report, through the supplemental process to give serious consideration to rewarding those departments that the Controller has certified pursuant to this section exceeded their revenue goals or met or exceeded departmental operational goals expending less than has been projected in the budget.

9.119 Establishment of Audit Committee of the Board of Supervisors

On or before the operative date of this Charter and until this requirement is changed by the Board of Supervisors, the Board of Supervisors shall establish through its rules an Audit Committee which shall consist of the President of the Board of Supervisors, who shall serve as chair, and two other members of the Board, appointed by the President. Members of the Audit Committee shall not be members of the Budget Committee; however, the Chairperson of the Budget Committee shall serve ex officio with no vote. The Audit Committee shall meet at least four times each year.

The Audit Committee shall:

1. Maintain a direct and separate line of communication between the Board of Supervisors and the City and County's independent auditor;
2. Meet with the independent auditor to review the audited annual financial statement and the auditor's report on such matters as the quality and depth of management and compliance;
3. Recommend appropriate action to be taken by the Board of Supervisors to implement recommendations contained in the audit report;
4. Follow up, as necessary, to ensure that approved recommendations are promptly implemented; and
5. Perform other duties as assigned by the Board of Supervisors.

ARTICLE X: PERSONNEL ADMINISTRATION

10.100 Civil Service Commission

1 There is hereby established a Civil Service Commission which is charged with the
2 duty of providing qualified persons for appointment to the service of the City and
3 County.
4

5 The Commission shall consist of five members appointed by the Mayor, pursuant
6 to Section 3.100, for staggered six-year terms. Not less than two members of the
7 Commission shall be women.
8

9 The persons so appointed shall, before taking office, make under oath and file in the
10 Office of the County Clerk the following declaration: "I am opposed to appointments to
11 the public service as a reward for political activity and will execute the Office of Civil
12 Service Commissioner in the spirit of this declaration."
13

14 A commissioner may be removed only upon charges preferred in the same manner
15 as in this Charter provided for elective officers.
16

17 Special meetings of the Commission for the purpose of considering and adopting
18 examinations questions shall not be open to the public. The regular meetings of the
19 Commission shall be open to the public and held at such a time as will give the general
20 public and employees of the City and County adequate time within which to appear
21 before the Commission after the regular daily working hours of 8:00 a.m. to 5:00 p.m.
22 such person or persons shall be given an opportunity to be heard by the Commission
23 before final action is taken in any case involving such person or persons.
24

25 10.101 General Powers and Duties

26
27 The Civil Service Commission shall adopt rules to carry out the Civil Service merit
28 system provisions of this charter and, except as otherwise provided in this Charter, such
29 rules shall govern applications; examinations; eligibility; duration of eligible lists;
30 certification of eligibles; appointments; promotions; transfers; resignations; lay-offs or
31 reduction in force, both permanent and temporary, due to lack of work or funds,
32 retrenchment or completion of work; the filling of positions, temporary, seasonal and
33 permanent; classification; approval of payrolls; and such other matters as are not in
34 conflict with this Charter. Changes to the rules may be proposed by an members of the
35 Commission or the Human Resources director and approved or rejected by the
36 Commission. The Commission may, upon one week's notice, make changes in the rules,
37 which changes shall thereupon be printed and be in force; provided that no such
38 changes in rules shall affect a case pending before the Commission.
39

40 The Commissioners shall have power to institute and prosecute legal proceedings
41 for violations of any Civil Service merit system or Department of Human Resources
42 provisions of this Charter.
43

44 The Commission shall establish an inspection service for the purpose of
45 investigating the conduct of an action of appointees in all positions and of securing

1 records of service for promotion and other purposes. All departments shall cooperate
2 with the Commission in making its investigations and any person hindering the
3 Commission or its agents shall be subject to suspension.
4

5 The Commission shall by rule establish procedures to review and resolve
6 allegations of discrimination on the basis of race, color, creed, religion, sex, national
7 origin, ethnicity, age, disability or medical condition, political affiliation, sexual
8 orientation, gender identity, ancestry, marital or domestic partners status, parental
9 status, or other non-merit factor or otherwise prohibited nepotism or favoritism
10 appealed to it pursuant to this section. The determination reached under Commission
11 procedures shall be final and shall forthwith be enforced by every employee and officer.
12

13 The Commission shall have the power to inquire into the operation of the Civil
14 Service merit system of the City and County to ensure compliance with merit principles
15 and rules established by the Commission. After such inquiry, the Commission may
16 direct the Human Resources director, as established pursuant to Section 10.103, to take
17 such action as the Commission believes necessary to carry out the Civil Service
18 provisions of this Charter. In any hearing conducted by the Commission or by any
19 hearing officer it appoints pursuant to this section, the Commission or the hearing
20 officer shall have the power to subpoena and require the attendance of witnesses and
21 the production of records.
22

23 The Commission may require periodic reports from the Human Resources director
24 in a manner and form which it shall prescribe.
25

26 The Commission may hear appeals from an action of the Human Resources director
27 in accordance with its rules, including but not limited to:
28

29 1. Allegations of discrimination. Notwithstanding any other provisions of this
30 Charter except the fiscal provisions hereof, the decision of the Commission regarding
31 allegations of discrimination shall forthwith be enforced by every officer and employee;
32

33 2. Allegations of fraud; and
34

35 3. Allegations of conflict of interest.
36

37 No action by the Human Resources director which is the subject of any appeal shall
38 be stayed during the appeal process except by a majority vote on the Civil Service
39 Commission.
40

41 The Commission shall have the power and it shall be its duty to appoint an
42 executive assistant to be the administrative head of the affairs under its control who
43 shall serve at its pleasure; provided, however, that any person who has Civil Service
44 status to the position of assistant secretary to the Commission on the effective date of
45 this section as amended shall continue to have Civil Service status or position of
46 assistant secretary under the Civil Service provisions of this Charter. The executive

assistant shall periodically report to the Commission on operation of the Civil Service merit system.

10.102 Department of Human Resources

The Department of Human Resources which shall consist of a Human Resources director and such employees as may be necessary to carry out its functions and duties.

Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint, train, evaluate, promote career development, classify positions, administer salaries, administer employee discipline, discharge and other related personnel activities in order to maintain an effective and responsive work force.

The Department of Human Resources shall be responsible for coordination of all state, local and federal health and safety mandates, programs and requirements relating to employees including but not limited to industrial hygiene programs, health and safety programs, OSHA compliance and return to work programs. Department heads shall coordinate such activities of employees under their jurisdiction with the Human Resources director.

The Department of Human Resources shall be responsible for policy, management and administration of the worker's compensation program and shall review and determine all applications for disability leave.

Subject to Section 11.100 hereof, the Department of Human Resources shall be responsible for management and administration of all labor relations of the City and County. The transfer of such power and control to the Department of Human Resources shall occur no later than October 1, 1995.

The Department of Human Resources shall be responsible for management and administration of all health services of employees.

The Mayor shall not dictate, suggest or interfere with the merit system activities of the Civil Service Commission or Human Resources Department. Administrative matters shall be dealt with only in the matter provided by this Charter, and any dictation, suggestion or interference herein prohibited shall constitute official misconduct; provided that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

1 **10.103 Human Resources Director**

2
3 A Human Resources director shall be selected by the Mayor from candidates
4 nominated by the Civil Service Commission and confirmed by vote of the Board of
5 Supervisors, the Human Resources director shall possess not less than ten years
6 professional experience in personnel, human resources management, labor or employee
7 relations at least five years of which must be in federal, state or local governmental
8 personnel management and such other qualifications as determined by the
9 Commission. The Human Resources director shall be appointed by and serve at the
10 pleasure of the Mayor provided that the Mayor's removal of the Human Resources
11 director may be rejected by a four-fifths vote of the Commission. Failure of the
12 Commission to act within thirty days shall be deemed approval of the Mayor's action.
13 The nominee of the Mayor may be appointed acting Human Resources director pending
14 confirmation. The person so appointed shall, before taking office, make under oath and
15 file in the Office of the County Clerk the following declaration: "I am opposed to
16 appointments to the public service as a reward for political activity and will execute the
17 Office of Human Resources director in the spirit of this declaration."

18
19 The appointment of the director of the Human Resources Department as of the
20 effective date of this Charter shall be effective until July 1, 1996. after which time he may
21 be reappointed to the position in accordance with the appointment method provided
22 herein

23
24 The Human Resources director shall have full power to administer the affairs of the
25 Department. He or she shall have all powers of a department head and may appoint a
26 director of Employee Relations, a Health Services administrator, an executive assistant
27 and one confidential secretary each of whom shall be exempt from the Civil Service
28 provisions of this Charter to assist in the administration and management of the
29 functions of the Department.

30
31 The Human Resources director shall review and resolve allegations of
32 discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity,
33 age, disability or medical condition, political affiliation, sexual orientation, ancestry,
34 marital or domestic partners status, gender identity, parental status or other non-merit
35 factors. Notwithstanding any other provisions of this Charter except the fiscal
36 provisions hereof, the decision of the Human Resources director shall forthwith be
37 enforced by every employee and officer, unless the decision is appealed to the
38 Commission in accordance with Section 10.101.

39
40 The Human Resources director shall investigate all employee complaints
41 concerning job related conduct of City and County employees and shall promptly
42 report to the source of the complaint.
43

1 The Human Resources director shall promote effective and efficient management
2 through personnel programs that encourage productivity, job satisfaction and
3 exemplary performance.

4
5 The Human Resources director shall provide a procedure for resolution of
6 employee disputes which shall be consistent with other provisions of this Charter and
7 shall be utilized by all department heads and appointing officers in the absence of an
8 applicable grievance procedure in a binding labor agreement.

9
10 Consistent with the foregoing and other applicable provisions of this Charter, the
11 Human Resources director may delegate to the various appointing officers appropriate
12 personnel responsibilities, and shall consult with appointing officers with respect to
13 Civil Service Commission rules affecting their operations.

14
15 The Human Resources director shall establish a system of job classification. The
16 decision of the Human Resources director regarding classification matters shall be final
17 unless appealed to the Commission; provided, however, that nothing herein shall be
18 construed to alter the scope of bargaining set forth in the following sections of the 1932
19 Charter: 8.400, 8.401, 8.403, 8.404, 8.405, 8.407, 8.407-1, 8.409 et. seq. and 8.590-1 et. seq.

20
21 The allocation or reallocation of a position shall not adversely affect the Civil
22 Service rights of an occupant regularly holding such position. No person shall hold a
23 position outside of the classification to which the person has been appointed, provided
24 that every employee of any department or office shall discharge any of the duties
25 pertaining to such department or office to which the employee's department head may
26 temporarily assign the employee.

27 28 **10.104 Exclusions from Civil Service Appointment**

29
30 All employees of the City and County shall be appointed through competitive
31 examination unless exempted hereby. The following positions shall be exempt from
32 competitive Civil Service selection and appointment procedures:

- 33
34 1. All supervisory and policy-level positions within the Office of the Mayor;
35
36 2. All elected officers of the City and County and their chief deputies or chief
37 assistants;
38
39 3. All members of commissions, boards and advisory committees;
40
41 4. Not more than one commission secretary for each commission or board;
42 5. All heads of agencies and departments, unless otherwise provided for herein;
43
44 6. All non-uniformed deputy heads of departments;
45

1 7. All uniformed deputy heads of departments: police commanders, police
2 inspectors and Fire Chief's aides;

3
4 8. Not more than one confidential secretary in each department and agency;

5
6 9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the
7 members of the Board of Supervisors.

8
9 The proportion of full-time employees in the above unclassified categories to the
10 total number of Civil Service employees of the City and County shall not be greater than
11 such proportion as existed on July 1, 1994, unless modified by the Board of Supervisors
12 and the Civil Service Commission.

13
14 *In addition, exempt employees shall include:*

15
16 1. All paraprofessional aides of the Unified School District and teaching
17 instructional aides of the Community College District;

18
19 2. Construction workers working outside of City and County;

20
21 3. Temporary and seasonal appointments not to exceed the equivalent of half-time
22 during any fiscal year; except that such positions may be filled through regular Civil
23 Service procedures;

24
25 4. Appointments, which shall not exceed two years and shall not be renewable, as
26 substitutes for Civil Service employees on leave; except that such positions may be filled
27 through regular Civil Service procedures;

28
29 5. Appointments, which shall not exceed three years and shall not be renewable, for
30 special projects with limited term funding; except that such positions may be filled
31 through regular Civil Service procedures;

32
33 6. Provisional appointments for classified positions, which shall not exceed three
34 years and shall not be renewable, for positions for which no eligible list exists;

35
36 7. All attorneys, City Attorney's and District Attorney's investigators, physicians
37 and dentists serving in their professional capacity, except those physicians and dentists
38 whose duties are significantly administrative or supervisory, and hospital chief
39 administrators; and

40
41 8. The law librarian, assistant law librarians, bookbinder of the Law Library,
42 purchaser, curators, deputy port director, chief of the Bureau of Maritime Affairs,
43 director of Administration and Finance of the Port, Port sales manager, Port traffic
44 manager, chief wharfinger, Port commercial property manager, actuary of the
45 Employee's Retirement System, director of the Zoo and director of the Arboretum and
46 Botanical Garden; and

9. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

ARTICLE XI EMPLOYER-EMPLOYEE RELATIONS SYSTEM

11.100 General

Subject to this Charter and consistent with state law, the Mayor through the Human Resources director or his/her designee and in consultation with the Board of Supervisors shall be responsible for meeting and conferring with employees or their recognized employee organizations regarding salaries, working condition benefits and other terms and conditions of employment to be embodied in memoranda of understanding. The Human Resources director shall assume day to day administration of all labor relations responsibilities previously invested in the Mayor or Board of Supervisors.

The Human Resources director shall submit proposed memoranda of understanding including, where applicable, schedules of compensation, benefits and working conditions to the Mayor who upon approval shall forward the proposed memoranda of understanding to the Board of Supervisors for determination by a majority vote. The Board of Supervisors shall have the power to accept or reject such memoranda of understanding. It shall be the duty of the Board of Supervisors, upon approval of any such memoranda of understanding to enact appropriate ordinances authorizing payment of any compensation or benefits or other terms and conditions of employment so approved.

Nothing in this section shall supersede the dates specified for fixing compensation except that the Board of Supervisors by motion may extend up to thirty days the date for final adoption of ordinances approving salary and benefits pursuant to those sections. Should the Board of Supervisors reject any memorandum of understanding and/or schedule of compensation and benefits, the Board of Supervisors shall by motion simultaneously extend by sixty days the date for final adoption of ordinances approving salary, benefits and/or working conditions pursuant to those sections.

11.101 Employee Relations Office

1
2 *The Human Resources Director shall:*
3

4 1. Represent the City and County and/or its departments in the implementation
5 of if those provisions of Title I, Division 4, Chapter 10 of the Government Code
6 applicable to the City and County, subject to the Mayor's authority under Charter
7 Section 11.100;
8

9 2. Coordinate the meet and confer process between the City and County, its
10 employee and/or their designated representatives;
11

12 3. Negotiate and administer memoranda of understanding;
13

14 4. Perform related duties necessary to administer the employee relations functions
15 of the City and County.
16

17 **11.102 Employer-Employee Negotiations**
18

19 Wages, hours and other terms and conditions of employment for employees of the
20 City and County shall be established either:
21

22 1. The City and County acting through the chief labor negotiator shall meet and
23 confer in good faith with recognized employee organizations and shall attempt to reach
24 agreement on all matters within the scope of representation. Such agreement shall not
25 supersede any terms and conditions of employment for covered employees established
26 by Appendix A in Section A8.402-A8.432 and Section A8.590-1 to A.8.590-7 of this
27 Charter; or
28

29 2. Sections 8.329, 8.341 to 8.346, 8.400 to 8.407, 8.409 to 8.409-6, 8.410, 8.411, 8.420-
30 8.432, 8.440, 8.441, 8.450 to 8.452, 8.500-8.588-15, 8.590-1 to 8.590-7 of the 1932 Charter
31 shall be incorporated herein and shall have full force and effect. These sections shall be
32 contained in Appendix A and shall be subject to revision, amendment or modification
33 only by the method provided under state law for amending this Charter.
34

35 3. Notwithstanding any provision in Appendix A, all ordinances, contracts,
36 memoranda of understanding and arbitration awards shall be adopted or issued on or
37 before July 31 of any year.
38

39 4. Wages for elected officials and members and commission shall not be fixed by
40 this article but rather as pursuant in Charter Sections 2.100, 2.120, 8.100 and 8.101.
41

ARTICLE XII: EMPLOYEE RETIREMENT AND HEALTH SERVICE SYSTEMS

12.100 Retirement Board

There shall be a Retirement Board of the City and County which shall consist of seven members as follows: one member of the Board of Supervisors appointed by the President, three public members to be appointed by the Mayor pursuant to Section 3.100, and three members elected by the active members and retired persons of the Retirement System from among their number. The public members appointed by the Mayor shall be experienced in life insurance, actuarial science, employee pension planning or investment portfolio management. There shall not be, at any one time, more than one retired person. The term of the six members, other than the Board of Supervisors member, shall be five years, one term expiring on February 20th of each year. The three elected members need not be residents of the City and County. Vacancies on the Board shall be filled by the Mayor for the remainder of the unexpired term, except that in the case of elected employee members, a vacancy shall be filled by a special election within one hundred-twenty days after the vacancy occurs unless the next regularly scheduled employee member election is to be held within six months after such vacancy shall have occurred. Elections shall be conducted by the director of elections in a manner prescribed by ordinance.

The Board shall appoint and may remove an executive director and an actuary. The Board may employ a consulting actuary.

In accordance with the provisions of the California Constitution Article XVI, Section 17, the Retirement Board shall have plenary authority and fiduciary responsibility for investment of monies and administration of the Retirement System.

The Board shall be the sole authority and judge, consistent with this Charter and ordinances, as to the conditions under which members of the Retirement System may receive and may continue to receive benefits under the Retirement System, and shall have exclusive control of the administration and investment of such funds as may be established.

The Board shall determine City and County and District contributions on the basis of a normal contribution rate which shall be computed as a level percentage of compensation which, when applied to the future compensation of the average new member entering the System, together with the required member contribution, will be sufficient to provide for the payment of all prospective benefits of such member. The portion of liability not provided by the normal contribution rate shall be amortized over a period not to exceed twenty years.

1 **12.101 Executive Director**

2
3 The executive director shall administer the Retirement System in accordance with
4 the provisions of this Charter and the policies and regulations of the Retirement Board.
5

6 **12.102 Hearing Officer**

7
8 Any application for retirement or death allowance made pursuant to this Charter
9 shall be heard by a hearing officer employed under contract by the Retirement Board
10 and selected by procedures set forth in its rules, which shall include rules setting forth
11 the qualifications and selection procedure necessary to appoint a qualified and unbiased
12 hearing officer. Following public hearing, the hearing officer shall determine whether
13 such application shall be granted or denied. All expenses related to processing and
14 adjudicating such applications shall be paid from the Compensation Fund.
15

16 At any time within thirty days after the service of the hearing officer's decision, the
17 applicant or any other affected party, including the Retirement System, may petition the
18 hearing officer for a rehearing upon one or more of the following grounds and no other:
19

- 20 1. That the hearing officer acted without or in excess of the hearing officer's
21 powers;
- 22 2. That the decision was procured by fraud;
- 23 3. That the evidence does not justify the decision; or
- 24 4. That the petitioner has discovered new material evidence which could not, with
25 reasonable diligence, have been discovered and produced at the hearing.
26

27 The decision of the hearing officer shall be final upon the expiration of thirty days
28 after the petition for rehearing is denied, or if the hearing is granted, upon the
29 expiration of thirty days after the rendition of the decision. Such final decision shall not
30 be subject to amendment, modification or rescission by the Board, but shall be subject to
31 review by the Board only for the purpose of determining whether to seek judicial
32 review.
33

34
35
36
37 **12.103 Trust Fund**

38 The Retirement Fund shall be a trust fund to be administered by the Retirement
39 Board in accordance with the provisions of this Charter solely for the benefit of the
40 active members and retired members of the Retirement System and their survivors and
41 beneficiaries. Administrative costs of the Retirement System, as adopted by the Board
42

of Supervisors in the annual budget shall be paid from the accumulated contributions of the City and County.

Part Two: Health Service System

12.200 Health Service Board

There shall be a Health Service Board of the City and County which shall consist of seven members as follows: one member of the Board of Supervisors, to be appointed by the President of the Board of Supervisors; the City Attorney or designated Assistant City Attorney; two members appointed by the Mayor pursuant to Section 3.100, one of whom shall be an individual who regularly consults in the health care field, and the other a doctor of medicine; and three members elected from the active and retired members of the System from among their number. Elections shall be conducted by the director of elections in a manner prescribed by ordinance. Elected members need not reside within the City and County. The terms of members, other than the two ex officio members, shall be five years, one term expiring on May 15 of each year.

A vacancy on the Board appointive by the Mayor shall be filled by the Mayor. A vacancy in an elective office on the Board shall be filled by a special election within ninety days after the vacancy occurs unless a regular election is to be held within six months after such vacancy shall have occurred.

The Health Service Board shall:

1. Establish and maintain detailed historical costs for medical and hospital care and conduct an annual review of such costs;
2. Apply benefits without special favor or privilege;
3. Put such plans into effect and, through the Human Resources Department, conduct and administer the same and contract therefor and use the funds of the System;
4. Make rules and regulations for the administration of business of the Health Service System, the granting of exemptions and the admission to the System of persons who are hereby made members thereof, and such other officers and employees as may voluntarily become members of the System with the approval of the Board; and
5. Receive, consider and, within sixty days after receipt, act upon any matter pertaining to the administration, operation or conduct of the Health Service System submitted to it in writing by any member of the System or any person who has contracted to render medical care to the members of the System.

1 The Health Service Board shall not award a contract for health services unless the
2 Department of Public Health is given an opportunity to participate in the provider
3 network for that contract.
4

5 **12.201 Medical Director or Executive Director**

6
7 The Health Service Board may appoint a full-time or part-time medical director who
8 shall be a doctor of medicine with experience in administering health plans or in
9 comparable work. He or she shall hold office at its pleasure. The Medical director shall
10 be responsible to the Board as a board, but not to any individual member or committee
11 thereof. The Human Resources director shall appoint a full-time administrator with
12 experience in administering health plans or in comparable work, who shall hold office
13 at his or her pleasure. The Board and each committee of the Board shall confine its
14 activities to policy matters and to matters coming before it as an appeal board. The
15 Board shall prepare its rules, regulations and policies so that they are clear, definite and
16 complete and so that they can be readily administered by the Human Resources
17 Department.
18

19 **12.202 Membership in Health Service System**

20
21 The members of the System shall consist of all permanent employees of the City
22 and County, which shall include officers of the City and County, of the Unified School
23 District, of the Parking Authority of the City and County; and such other officers,
24 employers, dependents and retirees as provided by ordinance.
25

26 **12.203 Health Service System Fund**

27
28 The Health Service System Fund shall be a trust fund administered by the Health
29 Service System in accordance with the provisions of this Charter solely for the benefit of
30 the active and retired members of the Health Service System and their covered
31 dependents. The City and County, School District and Community College District
32 shall each contribute to the Health Service System Fund amounts sufficient to efficiently
33 administer the Health Service System.
34

35
36 **ARTICLE XIII: ELECTIONS**
37

38 **13.100 City and County Elections**
39

1 All laws of the State of California shall apply to elections in the City and County,
2 except as otherwise provided by this Charter or ordinance not inconsistent with state
3 law.

4 **13.101 Terms of Elective Office**

5 Except in the case of an appointment or election to fill a vacancy, the term of office
6 of each elected officer shall commence at 12:00 noon on the eighth day of January
7 following the date of the election.

8
9 Subject to the applicable provisions for municipal runoff elections, the elected
10 officers of the City and County shall be elected as follows:

11
12 At the general municipal election in 1995 and every fourth year thereafter, a Mayor,
13 a Sheriff and a District Attorney shall be elected.

14
15 At the statewide general election in 1996 and every fourth year thereafter, six
16 members of the Board of Supervisors, four members of the Board of Education and four
17 members of the Governing Board of the Community College District, shall be elected.

18
19 At the general municipal election in 1997 and every fourth years thereafter, a City
20 Attorney and a Treasurer shall be elected.

21 At the statewide primary election in 1998 and every fourth year thereafter, an
22 Assessor-Recorder and Public Defender shall be elected.

23
24 At the statewide general election in 1998 and every four year thereafter, five
25 members of the Board of Supervisors, three members of the Board of Education and
26 three members of the Governing Board of the Community College District shall be
27 elected.

28
29 No person shall be eligible for a period of one year after the last day of service as
30 Mayor or member of the Board of Supervisors for appointment to any full-time non-
31 elected position carrying compensation with the City and County.

32
33 **13.102 Municipal Runoff Elections**
34

If no candidate for any elective office of the City and County, except the Board of Supervisors, the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes qualify to have their names placed on the ballot for a municipal runoff election. A runoff election for the office of Mayor, Sheriff, District Attorney, City Attorney and Treasurer shall be held on the second Tuesday of the next ensuing December. A runoff election for Assessor-Recorder and Public Defender shall be held at the next general election.

13.103 Special and Off-Year Municipal Elections

Special municipal elections may be called in accordance with state laws.

The date of any special municipal election shall be fixed by the Board of Supervisors not less than sixty nor more than seventy-five days from the date of calling such election; however, no special municipal election shall be held within sixty days of any general municipal or statewide election. The Board of Supervisors may consolidate a special municipal election with a general municipal or statewide election.

The director of elections may, with the approval of the Board of Supervisors, conduct a special election, or an election in odd-numbered years, entirely by mail, provided reasonable numbers of polling places are opened in geographically dispersed sections of the City and County starting the Friday before election day in addition to voting at the Department of Election's Office starting twenty-nine days before the election.

The Board of Supervisors shall maintain a fund sufficient to pay all costs and expenses of the City and County with respect to a special municipal election, and such Fund shall be used solely to pay the costs of such an election. Upon payment of any such costs or expenses, an appropriation shall be made in the next succeeding appropriations ordinance sufficient to reimburse the Fund.

13.104 Department of Elections

A Department of Elections shall be established to conduct all public federal, state, district and municipal elections in the City and County. The department will be administered by the director of elections, who shall be vested exclusively with the conduct and management of voter registration and matters pertaining to elections in the City and County.

The director shall be appointed by the Controller from a list of qualified applicants provided pursuant to the Civil Service provisions of this Charter. The director may be removed by the Controller, subject to appeal to the Civil Service Commission.

For purposes of this section, the conduct of elections shall include, but not limited to, voter registration, the nomination and filing process for candidates to City and County offices, the preparation and distribution of voter information materials, ballots, precinct operations and vote count; the prevention of fraud in such elections; and the recount of ballots in cases of challenge or fraud, except as otherwise provided in this Charter.

13.105 Nomination

Not less than eighty-eight days prior to a general municipal, special municipal or statewide election each person wishing to be a candidate for an elective office shall file with the Department of Elections:

1. A declaration of candidacy in such form as shall be prescribed by the director of elections;

2. A filing fee of two percent of the current annual salary for the office sought or the signatures of such number of electors is required by law; and

3. Signatures of not less than twenty nor more than thirty electors qualified to vote at such election.

Upon fulfillment of these requirements, the director of elections shall certify the candidate as nominated and place the candidate's name on the ballot. A candidate may withdraw such candidacy at any time up to fifty days prior to the election by filing with the director of elections a statement of withdrawal signed by such candidate.

The director of elections shall preserve for a period of two years, in a manner accessible to the public, all declarations, signatures and lists of sponsors filed pursuant to this section.

13.106 Qualification

Each candidate for an elective office of the City and County shall be a resident of the City and County and an elector at the time that nomination papers are issued to the candidate, and each elected officer shall continue to be an elector during the term of the office.

13.107 Election Material Mailed to Voters

A voter's pamphlet including a sample ballot, candidates' statements, lists of sponsors, arguments for and against each ballot measure, any financial impact statements prepared by the Controller, and arguments for and against the recall of any

officers shall be mailed to each elector so as to be received at least ten days prior to each general, runoff or special municipal election.

13.108 Determination of Election Results

The canvass of voters, canvass of returns, declaration of elections and certification of elections shall be made as prescribed by law. If a person elected fails to qualify, the office shall be filled in the manner prescribed by this Charter for the filling of a vacancy in such office.

13.109 Reporting of Campaign Financing

The Board of Supervisors shall, by ordinance, prescribe requirements for campaign contributions and expenditures and any limitations thereon with respect to candidates for elective office and ballot measures in the City and County.

13.110 In Lieu of Filing Fees

Signatures of registered voters in the City and County may be submitted in lieu of any filing fee. On the second Monday in December immediately prior to the election in which the signatures in lieu of filing apply, the Department of Elections, pursuant to Section 2.110, will establish the dollar value of each valid signature submitted.

ARTICLE XIV: INITIATIVE, REFERENDUM AND RECALL

14.100 General

Except as otherwise provided in this Article, the voters of the City and County shall have the power to enact initiatives and the power to nullify acts or measures involving legislative matters by referendum.

14.101 Initiatives

An initiative may be proposed by presenting to the director of elections a petition containing the initiative and signed by voters in a number equal to at least five percent of the votes cast for all candidates for mayor in the last preceding general municipal election for Mayor. Such initiative shall be submitted to the voters by the director of elections upon certification of the sufficiency of the petition's signatures.

1
2 A vote on such initiative shall occur at the next general municipal or statewide
3 election occurring at any time after ninety days from the date of the certificate of
4 sufficiency executed by the director of elections, unless the Board of Supervisors directs
5 that the initiative be voted upon at a special municipal election.
6

7 If the petition containing the initiative is signed by voters in a number equal to at
8 least ten percent of the votes cast for all candidates for Mayor in the last preceding
9 general municipal election for Mayor, and contains a request that the initiative be
10 submitted forthwith to voters at a special municipal election, the director of elections
11 shall promptly call such a special municipal election on the initiative. Such election
12 shall be held not less than sixty nor more than seventy-five days from the date of its
13 calling unless it is within sixty days of a general municipal or statewide election, in
14 which event the initiative shall be submitted at such general municipal or statewide
15 election.
16

17 No initiative or declaration of policy approved by the voters shall be subject to veto,
18 or to amendment or repeal except by the voters, unless such initiative or declaration of
19 policy shall otherwise provide.
20

21 14.102 Legislative Referendum

22

23 Prior to the effective date of an ordinance, except for ordinances adopted pursuant
24 to Section 9.108 of this Charter, a referendum on that ordinance may be proposed by
25 filing with the Board of Supervisors a petition protesting the passage of that ordinance.
26 Such petition shall be signed by voters in a number equal to at least ten percent, or in
27 the case of an ordinance granting any public utility franchise, at least five percent, of the
28 votes cast for all candidates for Mayor in the last preceding general municipal election
29 for Mayor.
30

31 Such ordinance shall then be suspended from becoming effective. The Board of
32 Supervisors shall reconsider the ordinance. If it is not entirely repealed, the Board of
33 Supervisors shall submit the ordinance to the voters at the next general municipal or
34 statewide election or at a special municipal election. Such ordinance shall not become
35 effective until approved by voters at such an election.
36

37 14.103 Recall

38

39 An elected official of the City and County may be recalled by the voters as provided
40 by this Charter and by the laws of the State of California, except that no recall petitions
41 shall be initiated with respect to any officer who has held office for less than six months.
42

43 A recall petition shall include the signatures of voters in a number equal to at least
44 ten percent of registered voters of the City and County at time of the filing of the notice

of intention to circulate the recall petitions. A recall petition shall state the grounds on which the recall is based.

Upon certifying the sufficiency of the recall petition's signatures, the director of elections shall forthwith call a special municipal election on the recall, to be held not less than sixty nor more than seventy-five days from the date of its calling unless it is within sixty days of a general municipal or statewide election, in which event the recall shall be submitted at such general municipal or statewide election.

14.104 Petitions—Withdrawal of Signatures

A person signing a petition for initiative, referendum or recall may withdraw his or her name from such petition by filing with the director of elections a verified revocation of that signature prior to the filing of such petition itself.

14.105 Elections Code

The Board of Supervisors shall adopt an elections code which is not inconsistent with this Charter.

ARTICLE XV: ETHICS

15.100 Ethics Commission

The Ethics Commission shall consist of five members who shall serve staggered four-year terms. The Mayor, the Board of Supervisors, the City Attorney, the District Attorney and the Controller each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in public information and public meetings. The member appointed by the City Attorney shall have a background in law as it relates to government ethics. The member appointed by the Controller shall have a background in campaign finance. The members appointed by the District Attorney and Board of Supervisors shall be broadly representative of the general public.

In the event a vacancy occurs, the officer who appointed the member vacating the officer shall appoint a qualified person to complete the remainder of the term. Members of the Commission shall serve without compensation. Members of the Commission shall be officers of the City and County, and may be removed by the Mayor only pursuant to Section 15.106.

No person may serve more than one term as a member of the Commission, provided that persons appointed to less than four-year terms shall be eligible to be

appointed to less than four-year terms. During his or her tenure, neither a member of the Commission nor its executive director may hold any other public office or any employment with the City or any City officer, participate in or contribute to a campaign involving a candidate for City office or a City ballot measure or a City official seeking any elective office, employ or be employed by, or receive any gifts or other compensation from, a person required to register as a lobbyist under the City's lobbyist ordinance, a person who employs someone required to register as a lobbyist under the City's lobbyist ordinance, or a person who is employed by or holds office in an organization that makes political endorsements.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

15.101 Executive Director

The Commission shall appoint and may remove an executive director. The executive director shall have a background in campaign finance, public information and public meetings and the law as it relates to governmental ethics. The executive director shall be the chief executive of the department and shall have all the powers provided for department heads. The Commission shall have the power to appoint auditors and investigators, who shall serve at the Commission's pleasure. Subject to the Civil Service provisions of this Charter, the executive director shall have the power to appoint and remove other employees.

15.102 Rules and Regulations

The Commission may adopt, amend and rescind rules and regulations consistent with and related to carrying out the purposes and provisions of this Charter and ordinances related to campaign finances, conflicts of interest, lobbying and governmental ethics and to govern procedures of the Commission. In addition, the Commission may adopt rules and regulations related to carrying out the purposes and provisions of ordinances related to open meetings and public records. The Commission shall transmit to the Board of Supervisors rules and regulations adopted by the Commission within twenty-four hours of their adoption. A rule or regulation adopted by the Commission shall become effective sixty days after the date of its adoption unless before the expiration of this sixty day period two-thirds of all members of the Board of Supervisors votes to veto the rule or regulation.

The City Attorney shall be the legal advisor of the Commission. If the City Attorney determines in writing that he or she cannot, consistent with the rules of professional conduct, provide advice sought by the Commission, the City Attorney may authorize the Commission to retain outside counsel to advise the Commission.

1
2 **15.103 Financial Disclosure**

3
4 All public officers, as defined by the laws of the State of California and including
5 members of all boards, commissions and other units of government of the City and
6 County, shall disclose financial information in accordance with state law. The director
7 of elections shall maintain all such records and be responsible for the enforcement of
8 this section as provided by state law and local ordinance.
9

10 **15.104 Conflict of Interest**

11
12 Any elected or appointed official and any employee of the City and County must
13 disqualify themselves from making, participating in the making or using their official
14 positions to influence the making of any governmental decision which can foreseeably
15 have a material financial effect, distinguishable from its effect on the public generally,
16 on any financial interest as defined in Government Code Section 87103. No elected or
17 appointed official, or any employee of the City and County, shall be prevented from
18 making or participating in the making of any decision to the extent his or her
19 participation is legally required for the decision to be made. The fact that any elected or
20 appointed official's, or employee's vote as a member of a multi-member body is needed
21 to break a tie does not make such person's participation legally required for purposes of
22 this section.
23

24 **15.105 Penalty for Official Misconduct**

25
26 Any person found guilty of official misconduct shall forfeit his or her office, and
27 shall be forever after disbarred and disqualified from being elected, appointed or
28 employed in the service of the City and County.
29

30 **15.106 Suspension and Removal**

31
32 Any elective officer, and any member of the Asian Art Commission, Civil Service
33 Commission, Ethics Commission, Fine Arts Board of Trustees, Veterans Memorial and
34 Performing Art Center Board of Trustees, Board of Education or Community College
35 Board may be suspended by the Mayor and removed by the Board of Supervisors for
36 official misconduct, and the Mayor shall appoint a qualified person to discharge the
37 duties of the office during the period of suspension. On such suspension, the Mayor
38 shall immediately notify the Ethics Commission and Supervisors thereof in writing and
39 the cause thereof, and shall present written charges against such suspended officer to
40 the Ethics Commission and Board of Supervisors at or prior to their next regular
41 meetings following such suspension, and shall immediately furnish copy of same to
42 such officer, who shall have the right to appear with counsel before the Ethics

Commission in his or her defense. Hearing by the Ethics Commission shall be held not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are deemed to be sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within thirty days after the receipt of the record from the Ethics Commission, the suspended officer shall thereby be reinstated.

The Mayor must immediately remove from office any elective official convicted of a crime involving moral turpitude, and failure of the Mayor so to act shall constitute official misconduct on his or her part. Any appointee of the Mayor or the Board of Supervisors guilty of official misconduct or convicted of crime involving moral turpitude must be removed by the Mayor or the Board of Supervisors, as the case may be, and failure of the Mayor or any Supervisor to take such action shall constitute official misconduct on their part. Any member of a non-elected board or commission who files a declaration of intent to seek federal, state or local office shall resign his/her board or commission appointment. Failure to resign shall result in removal by the Mayor.

15.107 Dual Office Holding

Any person holding an office under the City and County with an annual salary in excess of \$2,500 whether by election or by appointment, who shall, during his or her term of office, hold or retain any other salaried office under the government of the United States, or of this state, who shall hold any other salaried office connected with the government of the City and County, or who shall become a member of the legislature, shall be deemed to have thereby vacated the office held by him or her under the City and County.

ARTICLE XVI: MISCELLANEOUS PROVISIONS

16.100 Cable Cars

In the conduct of the Municipal Railway there shall be maintained and operated cable car lines as follows:

1. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Mason Street; thence along Mason Street to Columbus Avenue; thence along Columbus Avenue to Taylor Street; thence along Taylor Street to a terminal at Bay Street; returning from Bay and Taylor Streets along

1 Taylor Street to Columbus Avenue; thence along Columbus Avenue to Mason Street;
2 thence along Mason Street to Washington Street; thence along Washington Street to
3 Powell Street; and thence along Powell Street to Market Street, the point of
4 commencement.

5
6 2. A line commencing at Powell and Market Streets; thence along Powell Street to
7 Jackson Street; thence along Jackson Street to Hyde Street; thence along Hyde Street to a
8 terminal at Beach, returning from Beach and Hyde Streets along Hyde Street to
9 Washington Street; thence along Washington Street to Powell Street; thence along
10 Powell Street to Market Street, the point of commencement.

11
12 3. A line commencing at Market and California; thence along California Street to a
13 terminal at Van Ness Avenue; returning from Van Ness Avenue along California Street
14 to Market Street, the point of commencement.

15
16 To fully effectuate the intent of this section, these lines shall be maintained and
17 operated at the normal levels of scheduling and service in effect on July 1, 1971;
18 provided, however, that nothing herein contained shall prevent the increasing of the
19 levels of scheduling and service.

20 21 16.101 Acquisition of Public Utilities

22
23 It is the declared purpose and intention of the people of the City and County, when
24 public interest and necessity demand, that public utilities shall be gradually acquired
25 and ultimately owned by the City and County. Whenever the Board of Supervisors
26 shall determine that the public interest or necessity demands the acquisition,
27 construction or completion of any public utility or utilities by the City and County, or
28 whenever the electors shall petition the Board of Supervisors, as provided in Section
29 9.112 and Article XIV of this Charter, for the acquisition of any public utility or utilities,
30 the Supervisors must procure a report from the Public Utilities Commission thereon.

31 32 16.102 Utility Revenues and Expenditures

33
34 1. Receipts from each utility operated by the Public Utilities Commission, shall be
35 paid into the City and County treasury and maintained in a separate fund for each such
36 utility. Appropriations from such funds shall be made for the following purposes for
37 each such utility in the order named, viz:

38
39 (a) For the payment of operating expenses, pension charges and proportionate
40 payments to such compensation and other insurance and accident reserve funds as the
41 Commission may establish or the Board of Supervisors may require;

42
43 (b) For repairs and maintenance;

44
45 (c) For reconstruction and replacements as hereinafter described;

1
2 (d) For the payment of interest and sinking funds on the bonds issued for
3 acquisition, construction or extension; and
4

5 (e) For extensions and improvements; and
6

7 (f) For a surplus fund.
8

9
10 2. For the purpose of providing funds for reconstruction and replacements due to
11 physical and functional depreciation of each of the utilities under the jurisdiction of the
12 Commission, the Commission must create and maintain a reconstruction and
13 replacement fund for each such utility, sufficient for the purposes mentioned in this
14 section, and in accordance with an established practice for utilities of similar character,
15 which shall be the basis for the amount necessary to be appropriated annually to
16 provide for said reconstruction and replacements.

17 (a) If, at the end of any fiscal year, the Controller certifies that excess surplus
18 funds of a utility exist, then such excess surplus funds may be transferred by the Board
19 of Supervisors to the General Fund of the City and County, and shall be deposited by
20 the Commission with the Treasurer to the credit of such General Fund. For the
21 purposes of this subsection, excess surplus funds shall exist if the utility has
22 unappropriated, unencumbered funds in excess of twenty-five percent of the total
23 expenditures of such utility in the previous fiscal year for costs of operation, repair and
24 maintenance.
25

26 (b) If, as part of the budgeting process, the Controller estimates that there will
27 exist, at the end of the budget year, excess surplus funds of a utility, the Board of
28 Supervisors may budget such excess as revenue to the General Fund for that budget
29 year. During the budget year, the Commission shall deposit with the Treasurer a pro
30 rata portion of the then estimated excess surplus funds no less frequently than
31 quarterly. For the purposes of this subsection, excess surplus funds shall exist if the
32 utility has appropriated, unencumbered funds in excess of twenty-five percent of the
33 total expenditure of such utility in the previous fiscal year for costs of operation, repair
34 and maintenance.
35

36 (c) At any time, the Commission may, with the concurrence of two-thirds of the
37 Board of Supervisors, authorize the transfer of any portion of a utility's surplus funds to
38 the General Fund upon making all of the following findings of fact and judgment:
39

40 (1) That a surplus exists or is projected to exist after meeting the
41 requirements of Section 15.102 of this Charter;
42

43 (2) That there is no unfunded operating or capital program that by its lack of
44 funding could jeopardize health, safety, water supply or power production;
45

(3) That there is no reasonably foreseeable operating contingency that cannot be funded without General Fund subsidy; and

(4) That such a transfer of funds in all other respects reflects prudent utility practice. The Commission shall make such findings having received reports from the manager of utilities and a public hearing which shall have received no less than thirty days of public notice.

(5) The provisions of subsection 2, above, shall not be applied in a manner that would be inconsistent with the provisions of any outstanding or future indentures, resolutions, contracts or other agreements of the City and County relating to bonded indebtedness issued in connection with the utility, or with any applicable state or federal laws.

16.103 Airport Revenue Fund

Subject to the budget and fiscal provisions of this Charter: (1) The entire gross revenue of the Airport Commission shall be set aside and deposited into a fund in the City and County treasury to be known as the "Airport Revenue Fund." All amounts paid into the Fund shall be maintained by the Treasurer separate and apart from all other City and County funds and shall be secured by the Treasurer's official bond or bonds. The fund shall be exempt from Section 18.103 of this Charter (specifically, Section 6.407 of the 1932 Charter); (2) Separate accounts shall be kept with respect to receipts and disbursements of each airport under the jurisdiction of the Commission.

Monies in the Airport Revenue Fund including earnings thereon shall be appropriated, transferred, expended or used for the following purposes pertaining to the financing, maintenance and operation of airports and related facilities owned, operated or controlled by the Commission and only in accordance with the following priority: (1) the payment of operation and maintenance expenses for such airports or related facilities; (2) the payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the Commission may establish or the Board of Supervisors may require with respect to employees of the Commission; (3) the payment of principal, interest, reserve, sinking fund and other mandatory funds created to secure revenue bonds hereafter issued by the Commission for the acquisition, construction or extension of airports or related facilities owned, operated or controlled by the Commission; (4) the payment of principal and interest on general obligation bonds heretofore or hereafter issued by the City and County for airport purposes; (5) reconstruction and replacement as determined by the Commission or as required by any airport revenue bond ordinance duly adopted and approved; (6) the acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement of new and existing buildings, structures, facilities, utilities, equipment, appliances and other property necessary or convenient for the development or improvement of any airports and heliports owned, controlled or operated by the Commission in the promotion and accommodation of air commerce or

navigation and matters incidental thereto; (7) the return and repayment into the General Fund of the City and County of any sums paid by the City and County from funds raised by taxation for the payment of interest on and principal of any general obligation bonds previously issued by the City and County for the acquisition, construction and improvement of the San Francisco International Airport; (8) for any other lawful purpose of the Commission including, but not limited to, transfer to the General Fund during each fiscal year of twenty-five percent, or such lesser percentage as the Board of Supervisors shall establish, of the non-airline revenues as a return upon the City and County's investment in the Airport. "Non-Airline" revenues means all airport revenues from whatever source less revenues from airline rentals and charges to airlines for use of Airport facilities.

16.104 California Academy of Sciences

All buildings and improvements erected by or under the authority of the California Academy of Sciences, in or on property owned or controlled by the City and County, including but not limited to the Steinhart Aquarium, the original Natural History Museum, the Simson African Hall and the additions housing, among other things, the Alexander F. Morrison Planetarium and Auditorium, are the property of the City and County. However, the buildings and improvements, and the activities and personnel therein shall be managed and controlled exclusively by the California Academy of Sciences, except that employees of the City and County shall be subject to the personnel provisions of this Charter and their compensation fixed in accordance with this Charter and City and County funds are subject to the financial provisions of this Charter.

The California Academy of Sciences shall submit to the Mayor and Board of Supervisors an annual financial statement of its activities in connection with the operation of the buildings described in this section.

Nothing herein shall abrogate any trust by which any property of the California Academy of Sciences has been acquired.

16.105 Cultural, Educational and Recreational Appropriations

The Board of Supervisors shall annually appropriate:

1. To the Art Commission, the revenue from a tax of .0125 cent on each \$100 of taxable assessed valuation in the City and County for maintaining a symphony orchestra;

2. To the Asian Art Commission, an amount sufficient for the purpose of maintaining, displaying, and providing for the security of the City and County's collection of Asian Art;

3. To the California Academy of Sciences, funds necessary for the maintenance, operation and continuance of the Steinhart Aquarium. The Board of Supervisors shall have the power to furnish to the California Academy of Sciences such funds as the Board shall deem proper for the maintenance, operation and continuance of any or all other of the buildings and improvements placed under the control of the California Academy of Sciences;

4. To the Fine Arts Museums Board of Trustees, an amount sufficient for the purpose of maintaining, operating, providing for the security of, expanding and superintending the fine arts museums and for the purchase of objects of art, literary productions and other personal property;

5. To the Veterans Memorial and Performing Arts Center Commission, an amount sufficient to defray the cost of maintaining, operating and caring for the Veterans Memorial and Performing Arts Center;

6. To the Library Commission, the revenue from a minimum tax of one cents per \$100 taxable assessed valuation for constructing, maintaining and improving the library system of the City and County; and

7. To the Recreation and Park Commission, the revenue from a minimum tax of two and half cents per \$100 taxable assessed valuation for constructing, maintaining and improving parks and squares, and the revenue from a minimum tax of .0175 cents per \$100 taxable assessed valuation for constructing, maintaining and improving playgrounds.

16.106 Open Space Acquisitions and Park Renovation Fund

1. There is hereby established the Park and Open Space Fund ("Fund") to be administered by the Recreation and Park Commission. Monies in the Fund shall be appropriated, allocate, transferred, expended or used consistent with, and to implement, the "Recreation and Open Space Element of the General Plan" ("Plan") and the "Programs for Implementation of the Recreation and Open Space Element of the General Plan," ("Programs") as provided for herein. The Fund shall be used for the purposes set forth below.

2. Consistent with the Plan and Programs, lands currently under the jurisdiction of any city agency may be acquired or developed with the Fund provided for herein. The Recreation and Park Commission, Port Commission, Department of Public Works, Water Department and all other City agencies, are hereby authorized to enter into contracts appropriate to carry out the purposes of this section. Unless approved by a two-thirds vote of the Board of Supervisors the amount paid for any lands purchased or acquired in fee from any other public agency or City department or agency shall be no greater than the most recent selling price for such lands.

3. There is hereby imposed for a period of fifteen years starting with the fiscal year 1990-91, an annual tax of two and one-half cents (\$0.025) for each one hundred dollars (\$100) assessed valuation. Revenues obtained thereby shall be in addition to, and not in place of any sums normally budgeted for the Recreation and Park Department and, together with interest earned thereon, unless otherwise restricted, shall be deposited into the Fund. Establishment of this Fund is not intended to preclude any other similar programs or any similar use of funds by the City and County or any department, agency, commission or instrumentality thereof. All amounts paid into the Fund shall be maintained by the Treasurer, separate and apart from all other City and County funds, and shall be secured by his or her official bond.

4. Each year, the Recreation and Park Commission and City Planning Commission shall hold at least one joint public hearing at which, by a majority of each commission and with the concurrence of the Board of Supervisors, they shall adopt a budget for the allocation and expenditure of the Fund which is consistent with and implements the Plan and Programs. Not more than forty percent of the Fund may be allocated for maintenance of properties acquired pursuant to this section between its enactment in 1974 and fiscal year 1990-1991. As used herein, "maintenance" means salaries and equipment attributable to any work on an existing facility or on real property which does not result in a physical net increase in usable square footage, use or programs, implementation of the urban forestry policy of the Plan, implementation of the urban forestry policy set forth in the Plan, and includes a sustained maintenance and volunteer coordination program. The remainder of the Fund ("Remainder of the Fund") shall be allocated according to the following schedule:

(a) *Acquisition and Development.* At least forty percent of the Remainder of the Fund shall be allocated for the acquisition and development of real property. In allocating funds between acquisition and development, it shall be the policy of the Recreation and Park Department particularly to pursue acquisition at the beginning of the 15-year program created by this section, in order to take full advantage of short term opportunities to acquire properties before their values increase.

As used herein, "acquisition" includes, but is not limited to, purchase, lease, exchange, eminent domain, permission for use and any other right, whether revocable or no, to use real property, or any interest therein or improvement or development rights thereon, for recreational purposes; provided that notwithstanding anything herein to the contrary, no acquisition of less than fee simple title may be for a term of less than ten years.

As used herein, "development" includes, but is not limited to, designing specific parks or facilities for which monies have been allocated for acquisition and development under this subsection, establishment of trails, implementation of the community gardens policy of the Plan, implementation of the urban forestry set forth in the Plan, and establishment and funding of recreational programs other than after school recreation programs in high need areas as defined in the Plan; provided that in

1 any given year no more than five percent of the Remainder of the Fund may be used for
2 such recreational programs.

3
4 (b) *Renovation.* At least fifteen percent of the Remainder of the Fund shall be
5 allocated for renovation. As used herein, "renovation" means salaries and equipment
6 attributable to any work on any existing facility or real property under the jurisdiction
7 of the Recreation and Park Commission which results in a physical net increase in
8 usable square footage, use or programs.

9
10 (c) *Maintenance and Administration.* Up to twenty-five percent of the Remainder
11 of the Fund shall be allocated for maintenance of real property and recreational facilities
12 acquired pursuant to this subsection subsequent to 1990-1991: for programs other than
13 those specified in paragraph (4) of this subsection; and for administration of the Fund.
14 Monies allocated pursuant to this subsection may be used for the maintenance of
15 recreational facilities on real property under the jurisdiction of any City agency that has
16 made it available for use as a recreational facility.

17
18 As used herein, "maintenance" means salaries and equipment attributable to
19 any work on any existing facility or on real property which does not result in a physical
20 net increase in usable square footage, use or programs, implementation of the
21 community gardens policy of the Plan, implementation of the urban forestry policy set
22 forth in the Plan, and includes a sustained maintenance and volunteer coordination
23 program.

24
25 (d) *After School Recreation Programs.* Twenty percent of the Remainder of the
26 Fund shall be used for the operation of after school recreation programs.

27
28 (e) *Banking of Funds.* Monies may be allocated under any paragraph of this
29 subsection to be set aside for expenditure on specifically identified projects in future
30 years: however, such monies shall not count against any allocation required by this
31 subsection. If such monies are not spent on the project for which they were set aside,
32 they shall be returned to the Fund and be reallocated consistently with this subsection.

33
34 (f) *Annual Transfer and Adjustment of Allocations.* In any given year, fifteen
35 percent of the remainder of the Fund may be transferred from Acquisition and
36 Development to Renovation, if such transfer is necessary to take advantage of a special,
37 one-time renovation opportunity, that will result in savings which would otherwise not
38 be possible. In any given year, seven and one-half percent of the Remainder of the Fund
39 may be transferred from Renovation to Acquisition and Development, if such transfer is
40 necessary to take advantage of a special, one-time Acquisition or Development
41 opportunity, that will result in savings which would otherwise not be possible.
42 However, such transfers may not result in the inconsistency of any five-year average of
43 allocations for either acquisition and development or renovation with the provisions of
44 paragraphs (1) or (2) of this subsection. Any adjustments pursuant to this paragraph,
45 and their consequences on any five-year average of allocations, must be included in the
46 annual report.

1
2 (g) *Five Year Renovation and Maintenance Plans.* The Park and Open Space
3 Advisory Committee shall recommend, and the Recreation and Park Commission shall
4 adopt, five year plans for acquisition and development, renovation and maintenance,
5 which shall implement the plan and programs, and with which expenditures under this
6 subsection shall be consistent. These plans shall be updated annually, except that they
7 should not be amended or updated of part of the annual budget process.
8

9 (h) *Reversion of Uncommitted Funds.* Notwithstanding any other provisions of
10 this section, any funds set aside pursuant to this subsection that are not allocated at the
11 end of any fiscal year, together with accrued interest, shall be carried forward to the
12 next fiscal year and shall be appropriated by the Board of Supervisors for any of the
13 purposes enumerated in this section.
14

15 (i) *Prohibition of Reallocation of Fund.* Except as specifically and explicitly
16 permitted herein, the allocation of the Fund may not be amended, adjusted or changed.
17

18 5. The Planning Commission and Recreation and Park Commission shall hold at
19 least one joint public hearing annually at which they shall receive and review an annual
20 report from the general manager of the Recreation and Park Department on the
21 implementation of this section and the acquisition, development, renovation and
22 maintenance of open space and recreational facilities, and the funding of after school
23 and other recreation programs during the preceding year.
24

25 *The annual report shall, at a minimum, include the following information:*
26

27 (a) The amount of monies and percentage of the Fund allocated and spent in
28 each of the allocation categories;
29

30 (b) The projects, on a site-by-site basis that were undertaken or paid for, in part
31 of in whole with monies from the Fund;
32

33 (c) For each project, the total cost and percentage of the total cost that was
34 spent for design, construction and management;
35

36 (d) For each project, the time between the date funds became available and the
37 date the project was completed, the percentage of completion at the time of the report
38 and the anticipated date of completion.
39

40 6. In order to better fulfill the goals and purposes of the Plans and Programs, and
41 of this section, by reducing ongoing and future maintenance costs, the Recreation and
42 Park Department shall use monies allocated pursuant to paragraph (3) of subsection (c)
43 to:
44

45 (a) Prepare written guidelines for the design of new parks and open spaces and
46 the renovation or rehabilitation of existing parks and open spaces which require low

1 maintenance, ecological appropriateness (i.e. use of native species, low water usage),
2 and self-sustaining landscapes and landscaping;

3
4 (b) Establish and fund an office of volunteer coordination which will organize,
5 train and coordinate a City-wide volunteer program to assist City residents and
6 gardeners in the maintenance supervision and clean-up of parks, playgrounds and open
7 spaces.

8
9 7. The Fund shall be administered by the Recreation and Park Commission with
10 the advice of the Park and Open Space Advisory Committee. As part of the allocation
11 process for the first year after this section takes effect, the Committee and the Recreation
12 and Park Department shall adopt a five-year plan for allocation of the Fund in
13 compliance with subsection (c). This five year plan shall be updated for another year
14 during each subsequent annual allocation process.

15
16 8. The Committee shall consist of twenty-three members, each appointed to a two
17 year term, as follows:

18
19 (a) One member appointed by the Mayor.

20
21 (b) One member appointed by each Supervisor and approved by the Board of
22 Supervisors.

23
24 (c) A second member appointed by each Supervisor, and approved by the Board
25 of Supervisors, from a list of individuals representing citizens' organizations which
26 have as a major goal the preservation and enhancement of San Francisco's parks, open
27 space and natural environment. Persons on this list shall be nominated only by a
28 qualifying organization.

29
30 The Committee shall choose its own chair, and establish its own rules of order. A
31 quorum shall be a majority of the members of the Committee.

32
33 The Committee shall hold regularly scheduled meetings. The Committee shall send
34 a schedule of all Committee meetings for the calendar year to any person who so
35 requests it writing.

36
37 **16.107 Children's Fund**

38
39 There is hereby established a fund to expand children's services, which shall be
40 called the Children's Fund and shall be maintained separate and apart from all other
41 City and County funds and appropriated by annual or supplemental appropriation.
42 Monies therein shall be expended or used solely to provided expanded services for
43 children as provided in this section.

1 There is hereby set aside for the Fund, from the revenues of the tax levy, revenues in
2 an amount equivalent to an annual tax of \$.025 for each one hundred dollars of assessed
3 valuation for the first fiscal year which begins ninety days or more after the election
4 which approves this section, and revenues equivalent to an annual tax of \$.025 for each
5 one hundred dollars of assessed valuation for each of the following nine fiscal years.
6 The Treasurer shall set aside and maintain such amount, together with any interest
7 earned thereon, in the Fund, and any amount is unspent or uncommitted at the end of
8 any fiscal year shall be carried forward to the next fiscal year and, subject to the
9 budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter
10 for the purposes specified in this section.

11
12 Monies in the Fund shall be used exclusively to provide services to children less
13 than eighteen years old, above and beyond services funded prior to adoption of this
14 section. To this end, monies from the Fund shall not be appropriated or expended to
15 fund services provided during fiscal year 1991-1992, whether or not the cost of such
16 services increases, or appropriated or expended for services which substitute for or
17 replace services provided during fiscal year 1990-1991 or 1991-1992, except and solely to
18 the extent of services for which the City ceases to receive federal, state or private agency
19 funds, which the funding agency required to be spent only on the services in question.

20
21 Services for children eligible for Fund assistance shall include only child care; job
22 readiness, training and placement programs; health and social services (including pre-
23 natal services to pregnant adult women); education programs; recreation; delinquency
24 prevention; and library services, in each case for children.

25
26 *Services for children paid for by the Fund shall not include:*

27
28 1. For example, and not for purposes of limitation, services provided by the Police
29 Department or other law enforcement agencies; by courts, the District Attorney, Public
30 Defender or City Attorney; by the Fire Department; detention or probation services
31 mandated by state or federal law; or public transportation;

32
33 2. Any service which benefits children incidental or as members of a larger
34 population including adults;

35
36 3. Any service for which a fixed or minimum level of expenditure is mandated by
37 state or federal law, to the extent of the fixed or minimum level of expenditure;

38
39 4. Acquisition of any capital item not for primary and direct use by children;

40
41 5. Acquisition (other than by lease for a term of ten years or less) of any real
42 property; or

43
44 6. Maintenance, utilities or any similar operating costs of any facility not used
45 primarily and directly by children, or of any recreation or park facility (including a zoo),
46 library facility, or hospital;

During each fiscal year, a minimum of twenty-five percent of such funds shall be used for child care, a minimum of twenty-five percent for job readiness, training and placement and a minimum of twenty-five percent for health and social services for children (including pre-natal services for pregnant adult women). Beginning with the fifth fiscal year during which funds are set aside under this section, the Board of Supervisors may modify or eliminate these minimum requirements.

No later than December of each calendar year, the Mayor shall prepare and present to the Board of Supervisors a Children's Services Plan. The Plan shall proposed goals and objectives for the Fund for the fiscal year beginning the following July 1, propose expenditures of monies from the Fund for the fiscal year beginning the following July 1 and designate the City department which would administer the funded programs. In connection with preparation of the Plan, and (in connection with the first Plan) prior to the date required for presentation to the Board of Supervisors, the Health Commission, Juvenile Probation Commission, Human Services Commission, Recreation and Parks Commission and Public Library Commission shall each hold at least one public hearing on the Plan. Joint hearings may be held to satisfy this requirement. Any or all of the commissions may also hold additional hearings before or after presentation of the Plan.

The Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for those services for children which are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law). To this end, the City shall not reduce the amount of such City appropriations for eligible services (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in any of the ten years during which funds are required to be set aside under this section below the higher of the amount so appropriated for the fiscal year 1991-1992, in either case as adjusted. Not later than three months after the election which approves this section, the Controller shall calculate and publish the applicable base amount. The base amount shall be adjusted for each year after the base year, based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City appropriations from the base year, as estimated by the Controller. Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected by an adjustment in the next year's estimate. For purposes of this subsection, aggregate City appropriations shall not include funds granted to the City by private agencies and received by the City. Within ninety days following the end of each fiscal year through 2001-2002, the Controller shall calculate and publish the actual amount of City appropriations for services for children which are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law).

16.108 Library Preservation Fund

1. There is hereby established a fund for libraries, which shall be called the San Francisco Library Preservation Fund and shall be maintained separate and apart from all other City and County funds and appropriated by annual or supplemental

1 appropriation pursuant to Sections __ and __ of this Charter. Monies therein shall be
2 expended or used exclusively by the Library Department solely to provide library
3 services and materials and to operate library facilities in accordance with this section.
4

5 2. So long as the Library Preservation Fund exists as provided in this section, the
6 following requirements shall apply:
7

8 (a) The Library Department shall operate no fewer than 26 branch libraries, a
9 main library and a library facility for the blind (which may be at a branch or main
10 library).
11

12 (b) Not later than November 1, 1994, at least one public hearing shall be held at
13 the main and each branch library, which at least one library commissioner shall attend
14 and which shall receive the results of a survey of users' preferences as to the facility's
15 operating hours.
16

17 (c) Following these public hearings, effective no later than January 1, 1995, the
18 Library Commission shall establish service hours for the main and each branch library,
19 which shall not be reduced during the five years beginning January 1, 1995. Total
20 annual average service hours shall be at least 1028 hours per week (that is, a level
21 approximating the total service hours during fiscal year 1986-1987).
22

23 (d) The public hearing process specified in subsection (b) shall be repeated at
24 five year intervals, being completed no later than November 1 of the year in question.
25

26 (e) Following the subsequent public hearings, the Library Commission may
27 modify the individual and aggregate service hours established under subsection (c), for
28 the five-year period beginning January 1, 2000 or January 1, 2005 respectively, based on
29 a comprehensive assessment of needs and the adequacy of library resources.
30

31 Increasing library hours throughout the system and acquiring books and materials
32 shall receive priority in appropriating and expending fund monies to the extent the
33 funds are not needed to meet the preceding requirements of this subsection. Any
34 requirement of this subsection may be modified to the extent made necessary by a fire,
35 earthquake or other event which renders compliance with the requirement
36 impracticable.
37

38 3. There is hereby set aside for the San Francisco Library Preservation Fund, from
39 the revenues of the tax levy pursuant to Section ____ of this Charter, revenues in an
40 amount equivalent to an annual tax of two-and-one-half cents (\$.025) for each one
41 hundred dollars (\$100.00) of assessed valuation for each of the fifteen fiscal years
42 beginning with fiscal year 1994-1995. The Treasurer shall set aside and maintain such
43 amount, together with any interest earned thereon, in the Fund, and any amount
44 unspent or uncommitted at the end of any fiscal year shall be carried forward to the
45 next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall

1 be appropriated then or thereafter solely for the purposes specified in this section. The
2 Fund shall be in addition to any other funds set aside for libraries.

3
4 4. The Fund shall be used to increase the aggregate City appropriations and
5 expenditures for services, materials and operation of facilities provided by the Library
6 Department. To this end, the City shall not reduce the amount of City appropriation for
7 the Library Department (not including appropriations from the Library Preservation
8 Fund) in any of the fifteen years during which funds are required to be set aside under
9 this section below the amount so appropriated, including appropriations from the San
10 Francisco Children's Fund pursuant to Section ____ of this Charter and including all
11 supplemental appropriations, for the fiscal year 1992-1993, adjusted as provided below.
12 The base amount shall be adjusted for each fiscal year 1992-1993 based on calculations
13 consistent from year-to-year, by the percentage increase or decrease in aggregate City
14 appropriations for all purposes from the base year as estimated by the Controller.
15 Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected
16 by adjustment in the next year's estimate. For purposes of this subsection, (i) aggregate
17 City appropriations shall not include funds granted to the City by private agencies or
18 appropriated by other public agencies and received by the City, and (ii) Library
19 Department appropriations was fund appropriated to the Library Department to pay
20 for services of other City departments or agencies, except for departments or agencies
21 who services the Library Department was appropriated funds in fiscal year 1993-1994.
22 Within ninety days following the end of each fiscal year through fiscal year 2008-2009,
23 the Controller shall calculate and publish the actual amount of City appropriations for
24 the Library Department.

25
26 5. If any provision of this section, or its application to any person or circumstance,
27 shall be held invalid or unenforceable, the remainder of this section and its applications
28 shall not be affected; every provision of this section is intended to be severable.

30 16.109 Recreation and Parks; Buildings and Lands

31
32 *The responsibilities of the City and County with respect to recreation and parks shall be*
33 *limited as follows:*

34
35 1. No building or structure, except for nurseries, equipment storage facilities and
36 comfort stations, shall be erected, enlarged or expanded in Golden Gate Park unless
37 such action has been approved by a vote of two-thirds of the Board of Supervisors;

38
39 2. No park land may be sold or leased for non-recreational purposes, nor shall any
40 structure on park property be built, maintained or used for non-recreational purposes,
41 unless approved by a vote of the electors;

42
43 3. It shall be the policy of the Recreation and Park Commission and Department to
44 promote and foster a program providing for organized public recreation of the highest
45 standard.

1
2 **16.110 Franchises**

3
4 Franchises shall be granted by a competitive procurement process for not more than
5 twenty-five years.
6

7 **16.111 Citizen Participation; Publication of and Access to Public Documents**

8
9 The publication of and full public access to public documents, except for those
10 subject to confidentiality, shall be as required by law.
11

12 **16.112 Severability**

13
14 If any provision of this Charter, or its application to any person or circumstances is
15 held invalid, the remainder of this Charter, and the application of such provision to
16 other persons or circumstances, shall not be affected.
17

18 **16.113 Taxpayers' Suits**

19
20 In the event that a taxpayer of the City and County institutes suit or other
21 proceeding as provided by law against any officer, board or commission of the City and
22 County in the name of the taxpayer on behalf of the City and County, the taxpayer shall
23 be allowed costs and also such reasonable compensation for attorney's fees as may be
24 fixed by the court if judgement is finally entered in the taxpayer's favor.
25

26 **16.114 Appendix A—Employment Provisions**

27
28 The following sections of the Charter of 1932, as recodified in 1971, 1993 edition, as
29 amended as of December 31, 1994, shall remain in effect as a part of this Charter as
30 "Appendix A-Employment Provisions," except that in instance of conflict or
31 inconsistency between these sections of the Charter of 1932 and the body of this Charter,
32 this Charter shall prevail, and subject to the following limitations and amendments:
33

34 1. Effective upon adoption of this Charter, references to "wife", "surviving wife",
35 "widow" or "widower" shall be construed to include "spouse," "surviving spouse,"
36 "domestic partner" or "surviving domestic partner";
37

38 2. All references to sections of "the Charter" or "this Charter" shall be construed to
39 refer to the Charter of 1932, as defined above;
40

3. All definitions or descriptions included through such references shall remain in force, unless in conflict or inconsistent with definitions or descriptions in this Charter, or unless amended by the Board of Supervisors;

4. The first paragraph of Section 8.407 of the Charter of 1932 shall be amended to read: "This section shall apply to all officers and employees except those whose compensations are specified in this Charter in Section 11.102, Subsection (5) and those covered in Sections A8.402, A8.403, A8.404, A8.405, A8.409-A.409-6 and A8.590-1 through A8.590.7. Generally prevailing rates of salaries and wages shall be determined by the Human Resources Department through survey, as set forth below, and adopted by the Board of Supervisors."

The following sections from the Charter of 1932 shall be included in Appendix A with full force and effect, and each shall be designated with a prefix "A":

8.329	Rule of Three.
8.341	Removal or Discharge of Permanent, Non-Probationary Employees
8.342-8.344	Disciplinary Suspensions; Police and Fire Department Suspensions; Exoneration of Charges
8.345-8.346	Disciplinary Action-Strikes
8.400-8.407	Salaries and Wages for Teachers, Muni, Police, Fire and Miscellaneous Employees
8.409-8.409-6	Collective Bargaining
8.410-8.411	Expenses
8.440-8.441	Vacations
8.450-8.452	Hours and Tours of Duty
8.420-8.429	Health Service System Benefits
8.430, exclusive of the second paragraph	
8.431-8.432	Health Service System Benefits
8.500-8.517	Retirement System
8.518-8.588-15	Retirement System
8.590-1-8.590-7	Collective Bargaining for Fire, Police and Airport Police

Appendix B—Port Agreements

The following sections from the Charter of 1932 shall be included in Appendix B with full force and effect, and each shall be designated with a prefix "B":

3.581-3.585	Port Transfer Agreement
-------------	-------------------------

The provisions of Appendix A and Appendix B may be amended only pursuant to the provisions of state law governing charter amendments.

ARTICLE XVII: DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies of the State of California are authorized by law to close.

"Confirm" or *"confirmation"* shall mean the approval by a majority of the members of the Board of Supervisors.

"Domestic partner" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance, provided such registration is filed with the City and County.

"Elector" shall mean a person qualified as an elector under the laws of the State of California, residing in the City and County, and registered to vote.

"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal; provided such reasons constitute official misconduct in office.

"General municipal election" shall mean the election to be held in the City and County on the Tuesday immediately following the first Monday in November in odd-numbered years.

"Initiative" shall mean a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or other unit of government to adopt, any amendment to this Charter or any declaration of policy.

"Notice" shall mean a public notice in the form and manner as shall be prescribed by ordinance, and shall include a filing with the Clerk of the Board of Supervisors contemporaneously with such public notice.

"One-third", *"a majority"* or *"two-thirds"* of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.

"Published" shall mean published in a newspaper of general circulation in the City and County.

1 *"Referendum"* shall mean: (1) the power of the voters to nullify ordinances involving
2 legislative matters except that the referendum power shall not extend to any portion of
3 the annual budget or supplemental appropriations, ordinances authorizing the City
4 Attorney to compromise litigation or ordinances necessary to enable the Mayor to carry
5 out the Mayor's emergency powers; (2) the power of the Mayor and Board of
6 Supervisors to refer measures to the voters; but (3) shall not extend to ordinances
7 adopted pursuant to Section 9.108 of this Charter.
8

9 *"Special municipal election"* shall mean, in addition to special elections otherwise
10 required by law, the election called by (1) the director of elections with respect to an
11 initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond
12 issues, election of an official not required to be elected at the general municipal election,
13 or an initiative or referendum.
14

15 *"Statewide election"* shall mean an election held throughout the state.
16

17 *"Voter"* shall mean an elector who is registered in accordance with the provisions of
18 the laws of the State of California.
19

20 **ARTICLE XVIII: TRANSITION PROVISIONS**

21 22 **18.100 Effective Date of this Article XVII**

23
24 This Article XVII shall take effect upon the filing of this Charter with the Secretary
25 of State of the State of California. This Article shall expire and go out of existence when
26 the last act required to be done in this Article has been completed; and, thereafter, the
27 Clerk of the Board of Supervisors shall secure its removal from the next printing of this
28 Charter.
29

30 **18.101 Operative Date of this Charter; Effect of Enactment on Existing Law**

31
32 This Charter shall be operative, and shall supersede the Charter of 1932, as recodi-
33 fied in 1971, and as amended as of July 1, 1995; provided that any authority vested in
34 the Mayor to remove commissioners and department heads not granted in the Charter
35 of 1932, as amended, shall be effective July 1, 1996. All references in this Article to the
36 "Charter of 1932" shall be to the Charter of 1932, as recodified in 1971, 1993 edition, as
37 amended as of December 31, 1994.
38

39 To the extent the provisions of this Charter, or provisions of the Charter of 1932, in
40 effect immediately before the operative date of this Charter, or the provisions of the
41 Charter of 1932 transferred by enactment of this Charter to ordinance, are the same in

terms or in effect as provisions of law enforced when this Charter becomes operative, they shall be construed and applied as a continuation of those provisions.

All provisions of law relating to or affecting the City and County in force when this Charter becomes operative are hereby repealed and superseded only to the extent they are inconsistent with the provisions of this Charter.

Adopting this revised Charter, the voters do not intend to amend or otherwise affect the provisions of any initiative ordinance in effect on the date this revision is adopted, including the Initiative Refuse Collection and Disposal Ordinance, adopted November 8, 1932, as amended, except that the City Administrator and the General Manager of Public Utilities shall succeed to the functions of the Chief Administrative Officer and the Manager of Utilities, respectively, as specified in that Initiative Ordinance.

The Retirement Board shall continue to exercise powers of management and control of workers' compensation programs until those functions are transferred pursuant to previously adopted ordinances to the Department of Human Resources.

18.102 Obligations of Contract Not Impaired

All rights, claims, actions, orders, obligations, proceedings and contracts existing on the operative date of this Charter shall not be affected by the adoption of this Charter, except that where functions, powers and duties have been reassigned, the office, agency or department to which the assignment is made shall have charge of the matter.

18.103 Transfer of 1932 Charter Sections to Ordinance and Initiative Ordinances

The following Sections of the Charter of 1932 shall be deemed enacted into ordinance and may be amended by the Board of Supervisors on the operative date of this Charter; provided, however, that in the instance of conflict or inconsistency between the ordinance or a portion of the ordinance and this Charter, this Charter shall prevail:

- 1.103
- 2.203
- 2.203-3
- 3.201
- 3.301-3.303 inclusive
- 3.402
- 3.501
- 3.523
- 3.529

1 3.531
2 3.533-3.539 inclusive
3 3.540-3.547 inclusive
4 3.551-3.552
5 3.560
6 3.570-3.573 inclusive
7 3.590-3.599 inclusive
8 3.601
9 3.621-3.624 inclusive
10 3.631-3.634 inclusive
11 3.640-3.643 inclusive
12 3.642 second sentence only
13 3.691-3.694 inclusive
14 3.698.1-3.698.3 inclusive
15 3.699-2
16 3.699.11-3.699.14 inclusive
17 6.207
18 6.301-6.304 inclusive
19 6.306-6.310 inclusive
20 6.312-6.313
21 6.400-6.403 inclusive
22 6.406-6.408 inclusive
23 6.410
24 7.100-7.104 inclusive
25 7.200-7.206 inclusive
26 7.304
27 7.306
28 7.308
29 7.400-7.405 inclusive
30 7.600-7.606 inclusive
31 7.701-7.703 inclusive
32 8.104-6
33 8.311
34 9.113-9.115 inclusive
35

36 Initiative ordinances shall not be published as part of this Charter, in an appendix or
37 otherwise, but shall be published as provided in this Charter for other ordinances, and
38 shall be included in any codification of ordinances as provided in this Charter and be
39 designated as initiative ordinances.
40

41 18.104 Transfer of Functions, Powers and Duties

42
43 On the operative date of this Charter, all offices, agencies and departments of the
44 City and County then in existence under the Charter of 1932 shall continue to perform
45 their functions, exercise their authority and fulfill their responsibilities, as they existed

immediately before this Charter's becoming operative subject to the provisions of this Article. Not later than ninety days after the operative date of this Charter, each such office, agency and department for which this Charter does not provide shall cease to exist, and its functions, powers and duties shall be transferred to the appropriate governmental unit created by this Charter or under the authority of this Charter. The Board of Supervisors and the Mayor shall take all action necessary to provide for the orderly transfer of functions, authority and responsibility on or before the date of such transfer.

18.105 Changes in Offices and Positions

The Chief Administrative Officer serving on November 8, 1994, and the Controller serving on November 8, 1994, and whose term would expire on March 19, 2001, shall be appointed to the offices, respectively, of City Administrator and Controller. These offices shall have the functions, powers and duties assigned by this Charter, and their initial terms of office in effect immediately prior to the date of this Charter shall remain unchanged.

The Clerk of the Board of Supervisors serving on November 8, 1994, shall be appointed as Clerk of the Board of Supervisors. This position shall remain a classified position as long as the person holding the position on November 8, 1994, remains in this position.

The Secretary-General Manager of the Retirement System serving on November 8, 1994, shall succeed to the position of executive director. This position shall remain a classified position as long as the person holding the position on November 8, 1994, remains in this position.

The General Manager of the Department of Social Services shall succeed to the position of executive director of the Human Services Department.

The Social Services Commission shall succeed to the Human Services Commission.

On the operative date of this Charter, the Chief Administrative Officer shall be responsible for the following functions until they are reassigned by the Mayor, with approval by the Board of Supervisors: Departments of Public Works, Government Services, Purchasing, Real Estate, Electricity and Telecommunication, Public Guardian, Convention Facilities, Animal Control, County Clerk/Recorder, County Agriculture, Weights and Measures and Registrar of Voters/Department of Elections; Medical Examiner/Coroner; and all projects previously assigned by ordinance to the Chief Administrative Office, including but not limited to: George R. Moscone Center Project, Clean Water program, Grants for the Arts, Risk Management, Beautification project, EISPC, Waterfront project and Solid Waste Management.

1
2 **18.106 Official Fidelity Bonds**

3
4 The Board of Supervisors shall determine the initial fidelity bond requirements
5 under this Charter within ninety days after the operative date of this Charter. Until the
6 Board of Supervisors determines such requirements for officials of the City and County,
7 the bonds existing on the operative date of this Charter shall be maintained.
8

9 **18.107 Rules, Regulations and Administrative Code**

10
11 Each officer, department, agency, board and commission responsible for rules and
12 regulations of the City and County under this Charter shall, within ninety days of the
13 operative date of this Charter, review all rules and regulations for which it is
14 responsible and amend and adopt rules and regulations consistent with this Charter.
15

16 **18.108 Status of Incumbent Officers and Employees**

17
18 The changes in and transfers of functions, powers and duties which occur at the
19 time this Charter becomes operative shall not affect or impair the rights or privileges of
20 permanent Civil Service officers or employees of the City and County relating to
21 appointment, rank, grade, compensation, tenure of office, promotion, discipline,
22 removal, pensions and retirement, except as provided in this Charter.
23

24 Whenever a position previously within the classified Municipal Civil Service is,
25 pursuant to this Charter, designated exempt from the Civil Service provisions of this
26 Charter, the permanent Civil Service incumbent in such position at the time this Charter
27 becomes operative shall be transferred to that position.
28

29 *If by the terms of this Charter, or action taken by authority of this Charter:*
30

31 1. All or substantially all of the duties of any position exempt from the Civil
32 Service provisions of the Charter of 1932 are transferred to another office, agency or
33 department, that position shall be transferred to that office, agency or department and
34 the person holding the position on the operative date of this Charter shall be transferred
35 with the position.
36

37 2. All or substantially all of the duties of any Civil Service position are transferred
38 to another office, agency or department, that position shall be transferred to that office,
39 agency or department and the permanent Civil Service appointee holding the position
40 on the operative date of this Charter shall be transferred with the position.

1
2 **18.109 Exempt Positions**

3
4 The Board of Supervisors and the Mayor, through the budget for the fiscal year
5 ending June 30, 1995, shall designate the positions exempt from Civil Service, within the
6 categories provided in Article X of this Charter.
7

8 **18.110 Temporary, Limited-Tenure and Provisional Appointments**
9

10 The employment of all temporary, limited-tenure and provisional employees,
11 appointed under the Charter of 1932, whose appointment does not meet the provisions
12 of this Charter, shall be terminated within five years of the operative date of this
13 Charter in accordance with the rules and regulations governing layoffs, except that such
14 temporary, limited-tenure and provisional employees may qualify for certification as
15 eligibles under rules and regulations expressly authorized by ordinance. Such
16 ordinance may establish special credit for Civil Service examinations for years of service
17 or, through other methods, recognize the service of such employees who have held such
18 employment for more than six months at the operative date of this Charter.
19

20 **18.111 Salaries of Elected Officials**
21

22 The salaries of all elected officials shall remain at the level in existence on the
23 effective date of this Charter until changed pursuant to the provisions of Section 2.124 of
24 this Charter.
25

26 **18.112 Preparation and Indexing of this Charter**
27

28 The City Attorney shall correct typographical errors and prepare an index prior to
29 the operative date and publication of this Charter.
30
31
32

33 **SUPERVISORS KAUFMAN, LEAL, MIGDEN, KENNEDY, SHELLEY, ALIOTO, MAHER**

34 **JUNE 12, 1994**
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